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JOURNAL

OF THE

CONVENTION

TO FORM A CONSTITUTION

FOR THE

STATE OF WISCONSIN:

BEGUN AND HELD AT MADISON, ON THE FIFTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

State Historical Society
~~OF WISCONSIN~~
MADISON, - WIS.

MADISON, W. T.
BERIAH BROWN, PRINTER.
1847.

[illegible]

State Historical Society
OF WISCONSIN.
MADISON - WIS.

JOURNAL.

OCTOBER 5th, 1846.

PURSUANT to an act of the Legislature of the Territory of Wisconsin, entitled "An act in relation to the formation of a State Government in Wisconsin," approved January 31st, 1846, a majority of the Delegates elected to the Convention to form a State Constitution under the provisions of the said act, assembled at the Capitol at Madison, on the 5th day of October, 1846, at 12 o'clock, M.

William R. Smith, Delegate from Iowa county, called the Convention to order, and having called over the roll of the members elected, as returned by the Secretary of the Territory, the following gentlemen appeared and answered to their names, and took their seats as such Delegates, to wit:

BROWN COUNTY.

David Agry,
Henry S. Baird.

COLUMBIA COUNTY.

Jeremiah Drake,
La Fayette Hill.

DANE COUNTY.

John Y. Smith,
Abel Dunning,
Benjamin Fuller,
George B. Smith,
Nathaniel F. Hyer,
John M. Babcock.

DODGE COUNTY.

William M. Dennis,
Stoddard Judd,
Hiram Barber,
Benjamin Granger.

FOND DU LAC COUNTY.

Warren Chase,
Lorenzo Hazen,
Moses S. Gibson.

MANITOWOC COUNTY.

Evander M. Soper.

GRANT COUNTY.

Thomas Cruson,
Lorenzo Bevans,
Neely Gray.

GREEN COUNTY.

Davis Bowen,
Noah Phelps.

IOWA COUNTY.

Daniel M. Parkinson,
Moses M. Strong,
William I. Madden,
N. E. Whitesides,
Thomas James,
Andrew Burnsides,
Thomas Jenkins,
William R. Smith,
Moses Meeker,
Joshua White.

JEFFERSON COUNTY.

Patrick Rogan,
Theodore Prentiss,
Aaron Rankin,
Elihu L. Atwood.

MARQUETTE COUNTY.

Samuel W. Beall.

MILWAUKEE COUNTY.

D. A. J. Upham,
Francis Heubschmann,
Wallace W. Graham,
Garret Vliet,
John Crawford,
Asa Kinney,
Garret M. Fitzgerald,
John Cooper.

PORTAGE COUNTY.

H. C. Goodrich.

RACINE COUNTY.

Frederick S. Lovell,
Stephen O. Bennett,
Nathaniel Dickinson,
Chauncey Kellogg,
Daniel Harkin,
Marshall M. Strong,
Edward G. Ryan,
Elijah Steele,
Haynes French,
Chatfield H. Parsons,
James H. Hall,
Victor M. Willard.

ROCK COUNTY.

David Noggle,
A. Hyatt Smith,
S. P. Hammond,
James Chamberlain,
Joseph S. Pierce,
George B. Hall,
David L. Mills.

SAUK COUNTY.

William H. Clark.

SHEBOYGAN COUNTY.

David Giddings.

WASHINGTON COUNTY.

E. H. Janssen,
Patrick Toland,
C. J. Kern,
Hopewell Coxe,
J. F. Wilson,
Bostwick O'Connor.

WAUKESHA COUNTY.

Pitts Ellis,
George Reed,
Elisha W. Edgerton,
Rufus Parks,
William R. Hesk,
Barnes Babcock,
Andrew E. Elmore,
Charles Burchard.

WALWORTH COUNTY.

Solomon Wakely,
Joseph Bowker,
Charles M. Baker,
John W. Boyd,
William Bell,
Lyman H. Seaver,
Sewall Smith,
Josiah Topping.

WINNEBAGO COUNTY.

James Duane Doty.

Whereupon, a quorum being in attendance,

A. Hyatt Smith moved that Moses M. Strong be appointed President, *pro tempore.*

Which was agreed to.

Mr. Crawford moved that William W. Treadway be appointed Secretary *pro tempore.*

Which was agreed to.

Mr. Noggle moved that Hiram Taylor be appointed assistant Secretary *pro tempore.*

Which was agreed to.

Mr. Dennis moved that John Starkweather be appointed Sergeant-at-arms *pro tempore.*

Which was agreed to.

Mr. Bevans moved that William Kirkpatrick be appointed Door-keeper, *pro tempore.*

Which was agreed to.

Mr. Graham moved that Henry Brown be appointed Messenger *pro tempore.*

Which was agreed to.

Mr. Baker introduced the following Resolution, which was read, to wit:

"Resolved, That a committee of five members be appointed, to examine the credentials of members and to report thereon at 3 o'clock P. M.

Mr. Ryan moved to amend the said Resolution by striking out the words "3 o'clock P. M.", and to insert "9 o'clock to-morrow" in lieu thereof.

Which was disagreed to.

The Chair announced the appointment of the following committe under said Resolution, to wit:

Messrs. Baker, Ryan, Meeker, Cruson and Heubschmann.

The Convention then adjourned until 3 o'clock P. M.

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3 o'clock P. M.

A. Hyatt Smith introduced the following Resolution, which was read, to wit:

"Resolved, That the rules of the Council of the Territory at the last session be adopted as the rules for the government of this Convention so far as the same are applicable, until others are adopted."

Mr. Judd moved that said Resolution be laid upon the table.

Mr. Judd introduced the following Resolution, which was read and adopted, to wit:

"Resolved, That a committee of seven be appointed, to draft rules for the government of this Convention."

The Chair announced the appointment of the following committee under said Resolution, to wit:

Messrs. Judd, Marshall M. Strong, Wm. R. Smith, Baker, Doty, Baird and Elmore.

William R. Smith introduced the following Resolution, which was read and adopted, to wit:

"Resolved, That a committee of three be appointed to report the number of officers necessary for the government and business of this Convention."

The Chair announced the appointment of the following committee under said Resolution, to wit:

Messrs. Upham, Madden and John Y. Smith.

Mr. Agry introduced the following Resolution, which was read, to wit:

"Resolved, That a committee of ——— be appointed by the Chair to ascertain the number of standing committees necessary for the business of the Convention, to report the same with their respective designations and duties."

Mr. Kellogg moved that the said Resolution be laid upon the table.

Which was agreed to.

The Committee to whom was referred the subject of examining and reporting upon the credentials of the Delegates elected to this Convention, Reported

"That as appears by the certificates and entries of the clerks of the Boards of County Commissioners and County Supervisors of the respective counties, so far as the Committee have been enabled to obtain and examine the same, all the Delegates returned as elected by the Secretary of the Territory are entitled to seats as members of this Convention except Rufus Parks, Delegate from Waukesha County, who had not obtained his certificate of election from the clerk of the Board of Supervisors of his County."

The report was accepted, and the Committee discharged.

Mr. Elmore moved that Rufus Parks, a member elect from Waukesha County, who was reported by the Committee as not having produced his credentials, be admitted to his seat.

Which was agreed to.

Mr. Baird introduced the following Resolution, which was read and adopted, to wit:

"Resolved, That a majority of the whole number of members present shall be necessary to the choice of officers of this Convention."

Mr. Upham, from the Committee appointed to report the number and description of officers necessary for the government of the Convention, Reported as follows, to wit:

The undersigned, a Committee appointed to report the number of officers necessary to govern this Convention, beg leave to report: That they have had the subject under consideration, and recommend the election of the following officers, to wit: One President of the Convention, One Secretary, One Assistant Secretary, One Sergeant-at-Arms, two Door-Keepers, two Messengers and one Fireman, and for carrying out the object of this report they recommend the adoption of the following Resolution, to wit:

"Resolved, That the Convention elect as officers to govern their proceedings One President of the Convention, One Secretary, One Assistant Secretary, One Sergeant-at-Arms, two Door-Keepers, two Messengers and one Fireman.

The report was accepted, and the Committee discharged from the further consideration of the subject.

Mr. Baker moved to amend the report of the Committee by striking out the word "Two," before Door-Keepers, and insert the word "One" in lieu thereof.

Which was disagreed to.

The report of the Committee was then adopted.

Mr. Elmore moved that the Convention do now proceed to the election of a President of this Convention by ballot.

Mr. Ryan moved that the Convention adjourn,

Which was disagreed to.

The question then recurred on the motion of Mr. Elmore,

And was decided in the affirmative.

The Chair appointed Messrs. Giddings and Noggle tellers to receive and canvass the votes.

The ballots were then taken and counted, when the tellers reported the whole number of votes given to be ninety-three, of which

D. A. J. Upham received	Thirty-three
Marshall M. Strong	Twenty-six
Moses M. Strong	Twenty
William R. Smith	Ten
Richard R. Smith	One
Stoddard Judd	One
M. M. Strong	One
Blank	One

No person having received a majority of all the votes given, the Chair declared that no choice had been made.

The Convention then proceeded to a second ballot,

And the votes having been taken and counted, the tellers reported the whole number of votes given to be ninety-three, of which

D. A. J. Upham received	Forty-four
Marshall M. Strong	Twenty-four
Moses M. Strong	Twenty-one
William R. Smith	Two
Moses Meeker	One
Blank	One

No person having received a majority of all the votes given, the Chair declared that no choice had been made.

Mr. Ryan moved that the Convention adjourn,

Which was disagreed to.

The Convention then proceeded to a third ballot,

And the votes having been taken and counted, the tellers reported the whole number of votes given to be ninety-three, of which

D. A. J. Upham received	Forty-three
Marshall M. Strong	Twenty-five

Moses M. Strong	Twenty
Moses Meeker	Two
William R. Smith	One
Blank	Two

No person having received a majority of all the votes given, the Chair declared that no choice had been made.

Mr. Dennis moved that the Convention adjourn,

Which was disagreed to.

The Convention then proceeded to a fourth ballot,

And the votes having been taken and counted, the tellers reported the whole number of votes given to be ninety-three, of which

D. A. J. Upham received	Fifty-two
Moses M. Strong	Nineteen
Marshall M. Strong	Seventeen
Moses Meeker	Two
William R. Smith	Two
Blank	One

D. A. J. Upham having received a majority of the whole number of votes upon the fourth ballot, was declared duly elected President of the Convention.

Mr. Dennis moved that a Committee of two be appointed to wait on the President elect to his seat.

Which was agreed to.

The Chair announced the appointment of Messrs. Dennis and A. Hyatt Smith as such Committee.

The President, after being conducted to his seat, rose and addressed the Convention as follows:

Gentlemen of the Convention—It is with deep feelings and sensibility, that I tender you my thanks for the honor you have conferred in electing me to preside over your deliberations. It is on no ordinary occasion that we are assembled. We have before us the responsibility of framing the organic law of the future State of Wisconsin. Should we not approach the subject then, with calmness and deliberation; with a disposition to harmonize, and a fixed determination to exert our best energies to frame such a work as shall be correct in principle, and, at the same time, acceptable to the people. Constitutional law, like every other science, is progressive. That which fifty years ago was deemed wise by the best of men, is now behind the age: within that period, the oldest states in the Union have repeatedly found it necessary to change and modify their constitutions. We have their errors and their experience before us, and it is our duty to profit by them. The greatest good to the greatest numbers should be the object in local legislation; and as has been said by the great statesman of the age, "the blessings of government, like the dews of Heaven, should be dispensed alike to the rich and poor."

But this cannot be secured, if legislatures are permitted to grant exclusive privileges by incorporating moneyed institutions, lessening the risks of the capitalists, and increasing his means of accumulating wealth which must come directly or indirectly from the labor and industry of the country. On most of the important principles and provisions to be incorporated in the Constitution of Wisconsin, I presume, a large majority of this Convention are united in feeling and opinion; and it is in harmonizing and arranging the details for carrying out these principles, that we shall be called upon to exercise the greatest patience and forbearance.

GENTLEMEN—It is some years since I have had any experience in the rules and parliamentary law that govern legislative bodies. In this respect, I feel that I shall not do you justice, as your presiding officer, and it is only by relying on the assistance of friends, who have more recently and longer filled seats in our legislative halls, that I can expect to succeed in performing the duties you have imposed upon me. That I shall often err, is certain, for that is human, and this pledge only can I give you, that my errors will be those of judgment, and not of feeling and intention in arriving at correct decisions; and for these I shall ask, and confidently expect on your part, a liberal and kind indulgence.

On motion of Moses M. Strong,

The Convention adjourned.

TUESDAY OCT. 6th, 1846.

The Journal of yesterday was read and corrected.

Mr. Gray introduced the following resolution, which was read, and on his motion, laid on the table until to-morrow, to wit:

"Resolved, That a committee of three be appointed, with power to receive proposals and contract with the lowest and best bidder, to do the incidental printing, and also for printing the journal of this Convention; good and sufficient security being required for the faithful performanae thereof."

Mr. Dennis moved that the Convention now proceed to the election of officers for the present session, commencing at the office of Secretary.

Which was agreed to.

Moses M. Strong nominated La Fayette Kellogg for the office of Secretary.

Mr. Crawford nominated Wm. W. Treadway for the same office.

The President appointed Messrs. Dennis and Moses M. Strong tellers to receive and canvass the votes.

And the votes having been taken and counted, the tellers appointed for that purpose, reported,

That the whole number of votes cast for the said office were ninety-two.

Necessary to a choice Forty-seven.

Of which La Fayette Kellogg received Forty-eight votes.

Wm. W. Treadway received Forty-one votes.

Hiram Taylor received one vote, and

Blank two votes.

La Fayette Kellogg, having received a majority of all the votes given, was declared by the President duly elected to the office of Secretary of the Convention for the present session,

Moses M. Strong moved that the remaining officers be elected *viva voce*.

Which was agreed to.

Mr. Noggle nominated Hiram Taylor for the office of assistant Secretary.

And the question having been put on the said nomination,

It was decided in the affirmative.

Moses M. Strong nominated Edward Hayes for the office of Sergeant at Arms.

Mr. Dennis nominated John Starkweather for the same office.

The question was first put on the nomination of Mr. Hayes,

And was decided in the negative.

And a division having been called for,

There were 32 in the affirmative and 50 in the negative.

The question was then put on the nomination of John Starkweather,

And was decided in the affirmative.

Moses M. Strong nominated Edward Hayes for the office of door keeper.

And the question having been put on the said nomination,

It was decided in the affirmative.

George B. Smith nominated R. T. Davis for the office of door keeper.

And the question having been put on said nomination,

It was decided in the negative.

Mr. Ryan nominated Wm. Kirkpatrick for the office of door keeper.

And the question having been put on said nomination,

It was decided in the affirmative.

Mr. Crawford nominated Henry Brown for the office of Messenger.

And the question having been put on said nomination,

It was decided in the affirmative.

Moses M. Strong nominated Henry P. Starks for the office of Messenger.

And the question having been put on said nomination,

It was decided in the affirmative.

Mr. Baker nominated Elisha Isham for the office of Fireman,

And the question having been put on said nomination,

It was decided in the affirmative.

Mr. Baker introduced the following resolution, which was read and adopted, to wit:

"Resolved, That the Secretary be directed to invite the resident Clergymen of Madison to attend alternately, and open the Convention each morning with prayer."

Moses M. Strong introduced the following resolution, which was read and on his motion laid on the table, to wit:

"Resolved, That the Secretary prepare and cause to be printed, an alphabetical list of the members of this Convention."

William R. Smith introduced the following resolution, to wit:

"Resolved, That the following select committees, to consist of seven members each, be appointed, for the purpose of having submitted to them respectively the several following subjects, for the consideration of the Convention.

1. The subject of Legislation.
2. The subject of the Judiciary.
3. The subject of the Executive Department.
4. The subject of Election and Suffrage.
5. The subject of a Bill of rights.
6. The subject of Corporations and privileges.
7. The subject of official appointments and tenure.
8. The subject of Learning, Education and Science.
9. The subject of the Militia.
10. The subject of Currency and Finances.
11. The subject of public Highways by land and water and the Eeminent domain of the State.
12. The subject of Internal Improvement.
13. The subject of Constitutional amendments."

The resolution introduced by Mr. Agry on yesterday having been first withdrawn, the resolution above named was read, and

On motion of William R. Smith,

Laid on the table, and one hundred and fifty copies thereof ordered to be printed.

George B. Smith moved that the Convention now proceed to the election of a printer.

Moses M. Strong moved to lay said motion on the table.

Which was decided in the affirmative.

And a division having been called for,

There were 44 in the affirmative, negative not counted.

Mr. Gray moved that the resolution introduced by him this morning relative to printing be now taken up.

Which was agreed to.

Mr. Ryan moved to amend the said resolution by striking out the words "and also for printing the journal of this Convention," and pending the question on said amendment,

On motion of Mr. Gray,

The said resolution and amendment was laid on the table until tomorrow at 10 o'clock A. M.

Moses M. Strong introduced the following resolution:

"Resolved, That this Convention will adjourn without day on Monday the 26th day of October instant."

Which was read, and on his motion

Laid on the table.

Mr. Parsons introduced the following resolution, which was adopted to wit:

"Resolved, That the members of this Convention who shall hereafter introduce written resolutions, place their names and residence, and the county they represent, on the same."

On motion of Mr. Baker

The Convention adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

Mr. Steele introduced the following resolution to wit:

"Resolved, That the resolution offered by the gentleman from Iowa, for the appointing of standing committees, be taken up from the table and referred to a select committee of five, to be appointed by the President of the Convention, to report upon the same and to suggest, and make such alterations or additions in the number and duties of the standing committees, as to them shall seem proper, and that they be instructed to report to-morrow morning, immediately after the opening of the Convention."

Mr. Agry moved that said resolution be laid upon the table.

Which was agreed to.

And a division having been called for,

There were 45 in the affirmative, and 27 in the negative.

Mr. Judd, from the committee appointed to report rules and regulations for the government of the proceedings of this Convention, made the following report:

The committee appointed to report rules and regulations for the government of the proceedings of this Convention, respectfully report the following Rules:

1st. The president shall take the chair at the hour to which the Convention shall have adjourned; shall immediately call the members to order: and on the appearance of a quorum, shall cause the journal of the preceding day to be read and corrected.

2d. The president shall preserve order and decorum, and decide questions of order subject to an appeal to the Convention. He shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment. He shall also appoint all committees unless otherwise directed by the Convention.

3d. The president shall be required to vote on all questions, and on calling the ayes and nays, his name shall be called in alphabetical order, as Mr. President.

4th. After the journal has been read and corrected, the order of business shall be as follows viz:

1. The presentation of petitions.
2. The Reports of committees.
3. Resolutions.

Provided, That no resolution shall be acted upon on the same day upon which it is presented.

4. Unfinished business of the preceding day.

5th. All propositions shall be considered in the Convention, and not in committee of the whole.

6th. The previous question shall always be in order in convention, if seconded by a majority, and until it is decided all amendments and debates shall be precluded. The question shall be put in this form: "shall the main question be now put." And prior to the main question being put, a call of the convention shall be in order.—All incidental questions of order arising after a motion is made for the previous question and pending such motion, shall be decided whether on appeal or otherwise, without debate.

7th. A motion to adjourn shall always be in order, and shall be decided without debate.

8th. No member shall speak more than twice to the same question without leave, nor more than once until every other member rising to speak shall have spoken. Nor shall any member speak longer than upon the same question, at any one time.

9th. When a motion or question has been once put and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the convention is equally divided for a member who voted in the negative, to move for a reconsideration thereof on the same or the succeeding day; and when the motion to reconsider is not made on the same or succeeding day, at least two days notice of intention to make such motion shall be given.

10th. When a question is under debate, no motion shall be receiv-

ed unless to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit; to amend; or to postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged. A motion to postpone to a day certain; to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the proposition.

11th. Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and after such determination he shall be permitted to proceed in order.

12th. The ayes and noes may be called upon any question at the request of any eight members of the Convention.

13th. One-fourth of the members present may make a call of the Convention and require absent members to be sent for, but a call of the convention cannot be made after the voting has commenced; and the call of the convention being ordered, and the absentees noted, the doors shall be closed and no member permitted to leave the room until the report of the sergeant-at-arms be received and acted upon, or further proceeding in the call be suspended.

14th. A member may call for a division of the convention upon any question, either before or after a decision by the President.

15th. The standing hour for the daily meeting of the convention shall be ten o'clock in the morning, until the convention otherwis edirect.

16th. The rules of parliamentary practice, comprised in Jefferson's manual, shall govern the convention in all cases to which they are applicable, and in which they are not inconsistent with these rules and the order of the convention.

17th. No standing rules or order of the Convention shall be changed or rescinded, without one day's previous notice being given of the motion therefor. Nor shall they be altered, changed, rescinded or suspended, unless upon the vote of two-thirds of the members present.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The question then recurred on the adoption of the report of the committee, when

Moses M. Strong called for a division of the question.

The President decided that the question was divisible and would be put on the adoption of the several rules separately.

And the question having been put separately on the adoption of the first, second, third and fourth rules reported by the commmittee, was decided in the affirmative.

And the question having been put on the adoption of the 5th rule reported by the said committee.

It was decided in the negative.

The question was then put on the adoption of the 6th and 7th rules reported as above, and was decided in the affirmative.

William R. Smith moved to fill the blank in the 8th rule by inserting the words "one hour".

Mr. Judd moved to fill the blank with the words "forty-five minutes."

Mr. Baker moved to fill the blank with the words "thirty minutes."

Moses M. Strong moved to fill the blank with the words "two hours."

Mr. Crawford moved to fill the blank with the words "six hours."

The President stated that the question would first be put on the longest time.

And having been put, on filling the blank with "six hours,"

It was decided in the negative.

And a division having been called for,

There were 26 in the affirmative and 42 in the negative.

Moses M. Strong moved to amend the 8th rule, by striking out all after the word "spoken," in the third line.

Which was decided in the affirmative.

Said rule, as amended, was then adopted.

The question was then put, separately, on the adoption of the 9th, 10th and 11th rules, as reported above,

And was decided in the affirmative.

Moses M. Strong moved to amend the 12th rule, by striking out the word "eight," in the second line,

Which was decided in the affirmative,

And a division having been called for,

There were 41 in the affirmative, and 37 in the negative.

Moses M. Strong moved to fill the blank with the word "twenty."

Mr. Grey moved to fill the blank with the word "seven."

Mr. Judd moved to fill the blank with the word "ten."

Mr Ryan moved to fill the blank with the word "fifteen."

And the question having been put on filling the blank with the word "twenty,"

It was decided in the negative.

The question then recurred on the motion to fill the blank with the word "fifteen."

And having been put,

It was decided in the affirmative.

And a division having been called for,

There were 46 in the affirmative, and 35 in the negative.

The rule, as amended, was then adopted.

Moses M. Strong moved to amend the 13th rule by striking out the words "One fourth," in the first line,

Which was decided in the affirmative.

And a division having been called for.

There were 40 in the affirmative, and 15 in the negative.

Horace Chase moved to fill the blank with the word "fifteen."

Mr. Judd moved to fill the blank with the words "twenty-five."

And the question having been put on said last motion,

It was decided in the negative.

The question then recurred on filling the blank with the word "fifteen,"

And having been put,

It was decided in the affirmative.

Mr. Ryan moved further to amend the said rule, by inserting after the word "fifteen," in the first line, the words "or one-fifth."

Which was decided in the affirmative.

Said rule, as amended, was then adopted.

Moses M. Strong moved to amend the 14th rule, by striking out the words "by tellers," in the second line.

Which was decided in the affirmative.

Said rule, as amended, was then adopted.

The question was then put on the adoption of the 16th rule, and was decided in the affirmative.

Moses M. Strong moved to amend the 17th rule, by striking out the word "suspended," in the second line.

And having been put,

It was decided in the affirmative.

Said rule, as amended, was then adopted.

Marshall M. Strong moved to amend the report of the Committee, by inserting the following as rule fifth

"5th. The rules observed in Convention shall govern, as far as practicable, the proceedings in Committee of the whole; except that a member may speak oftener than twice on the same subject, and that a call for the yeas and nays, or for the previous question, cannot be made. Amendments made in the Committee of the whole, shall be entered on a separate piece of paper, and so reported to the Convention by the chairman, standing in his place; which amendments shall not be read by the President, unless required by one or more of the members,"

Which was decided in the affirmative.

On motion of Mr. Judd, it was

Ordered, That two hundred copies of the rules just adopted, be printed for the use of the members of this Convention.

Moses M. Strong introduced the following Resolution, which was adopted, to wit:

"Resolved, That 200 copies of the rules adopted for the government of the Convention, be printed in pamphlet form, together with a list of the standing Committees, the names of the members of the Convention, together with their residence and boarding houses."

On motion of Mr. Lovell,

The resolution to refer this resolution for the appointment of standing Committees to a select Committee, was taken up, when

Mr. Judd moved to amend said resolution by striking out the word "five," in the third line and inserting the word "seven," in lieu thereof.

Mr. Steele accepted the said amendment as a modification to the original resolution.

Mr. Baker moved further to amend said resolution by striking out the word "seven" in the third line and inserting the word "thirteen" in lieu thereof.

Which was decided in the affirmative.

The said resolution as amended was then adopted.

The President announced the appointment of the following Committee under the resolution above named to wit:

Messrs. Steele, Baker, A. Hyatt Smith, Graham, Reed, Agry, George B. Smith, Dennis, Moses M. Strong, Phelps, Bevans, Prentiss and Ryan.

Mr. Chase presented the following resolution which was read, and on his motion,

Laid on the table, to wit:

"Resolved, That each member of this Convention be furnished with forty copies of any paper published in Madison, during the session of the Convention."

On motion of Mr. Lovell

The Convention adjourned.

WEDNESDAY, OCT. 7, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read and corrected.

Mr. Crawford presented the credentials of George Hyer, from the county of Jefferson,

And on his motion said Hyer was admitted to a seat as a member of the convention.

Mr. Baker presented the credentials of Israel Inman, Jr., and Sanford P. Hammond,

Who were, on his motion, admitted to seats as members of this convention.

Nathaniel F. Hyer introduced the following resolution, which was read and laid over under the rule until to-morrow morning, to wit:

"Resolved, That the Clerk of the Supreme Court, the clerks of the several District Courts, and the Registers in Chancery, be and they are hereby requested to furnish, for the information of this convention, a statement showing,

1st. The number of suits commenced in their respective courts during the year ending on the first day of October, 1846;

2nd. The number of trials had and suits disposed of;

3rd. The amount of money collected during the same term, exclusive of costs;

4th. The amount of costs and fees charged in the business of their respective courts, during the same term, by Clerks, Registers in Chancery, Sheriffs, and all other officers of their respective courts, witnesse's fees, and the amount of attorney's fees, as near as they can estimate the same."

Mr. Steele, from the select committee to whom was referred the resolution of Wm. R. Smith, referring several subjects to appropriate committees, made the following report:

The committee to whom was referred the resolution for the appointment of certain select committees therein named, beg leave to report: That they have duly considered the resolution referred to them, and report the same back with the following amendment:

Strike out "seven" in the first line, and insert instead thereof, the word "five;" and strike out all after the word "convention," in the third line, and insert as follows:

1. On the constitution and organization of the legislature.
2. On the powers, duties and restrictions of the legislature.
3. On the Executive of the State.
4. On the organization and officers of counties and towns and their powers and duties.
5. On the organization and functions of the judiciary.
6. On municipal corporations.
7. On banks and banking.
8. On corporations other than banking and municipal.
9. On a bill of rights.
10. On a preamble.
11. On suffrage and elective franchise,
12. On the militia.
13. On education, schools and school funds.
14. On finance, taxation, and public debt.
15. On internal improvement.

16. On miscellaneous provisions, not embraced in the subjects committed to other committees.

17. On amendments to the constitution.

18. On the act of Congress for the admission of the State.

19. On the name and boundaries of the State.

20. On the schedule for the organization of the state government.

21. On the eminent domain and property of the State.

22. On the revision and adjustment of the articles of the constitution, adopted by the convention.

All of which is respectfully submitted.

E. Steele, of Racine, ch'n of committee."

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The question having been put on the adoption of the report of the committee,

It was decided in the affirmative.

Mr. Dennis moved that two hundred copies of the above report be printed;

Which was decided in the affirmative.

Mr. Parks introduced the following resolution, to wit:

"Resolved, That this convention elect a second assistant secretary;"

Which was laid over under the rule.

The resolution introduced on yesterday by Mr. Chase was then taken up; when

Mr. Judd moved to amend said resolution by striking out the number "forty," and to insert the number "twenty-five," in lieu thereof.

Mr. Baker moved to amend the amendment by striking out the numbr "twenty-five," and to insert the number "three," in lieu thereof.

Mr. Lovell called for a division of the question,

And the question having been put on striking out the number "forty,"

It was decided in the affirmative.

And a division having been called for,

There were fifty in the affirmative,

Negative not counted.

Moses M. Strong moved to fill the blank with the number "two hundred and sixty."

Mr. Baird moved to fill the blank with the number "thirty."

Mr. Kinney moved to fill the blank with the number "fifteen."

And the question having been put on filling the blank with the number "two hundred and sixty,"

It was decided in the negative.

The question then recurred on filling the blanks with the number "thirty," when

John Y. Smith was excused from voting on the said question.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Beall, Bennett, Bevans, Warren Chase, Crawford, Dickinson, Doty, Dunning, French, Gibson, Goodrich, James H. Hall, Hammond, Harkin, Hazen, Geo. Hyer, Nathaniel F. Hyer, Kern, Noggle, O'Conner, Parsons, Pierce, Ryan, A. Hyatt Smith, George E. Smith, Steele, Marshall M. Strong, and Willard—30.

Those who voted in the negative, were,

Messrs. Baker, Hiram Barber, Bell, Brown, Bowker, Boyd, Hiram Brown, Burchard, Burnside, Clark, Cooper, Cox, Cruson, Dennis, Drake, Edgerton, Ellis, Elmore, Fitzgerald, Fuller, Giddings, Goodell, Goodsell, Graham, Granger, Gray, Geo. B. Hall, Hesk, Hill, Huebschmann, Inman, James, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Jr., Lovell, Madden, Meeker, Mills, Parkinson, Parks, Phelps, Prentiss, Mr. President, Rankin, Reed, Rogan, Seaver, Sewell Smith, Wm. R. Smith, Soaper, Moses M. Strong, Toland, Topping, Vliet, Wakeley, White, Whiteside, and Wilson—62.

Mr. Lovell moved to fill the blank with the number "twenty," and subsequently withdrew the motion, which was renewed by Marshall M. Strong.

Moses M. Strong moved to postpone the further consideration of said resolution until the fourth day of July next;

Which was disagreed to.

Moses M. Strong moved to lay the said resolution on the table;

Which was disagreed to.

Mr. Baird moved to fill the blank with the number "twenty-five,"

Which was decided in the negative.

And a division having been called for,

There were thirty-five in the affirmative,

Negative not counted.

The question then recurred on filling the blank with the number "twenty,"

Which was decided in the affirmative.

And a division having been called for,

There were fifty-seven in the affirmative,

Negative not counted.

Mr. Lovell moved further to amend the resolution by inserting after the word "Madison," in the third line, the word "weekly;"

Which was decided in the affirmative.

George Hyer moved further to amend the resolution by adding thereto the words, "and that the printer be paid the sum of five cents per copy for said papers."

Mr. Giddings moved to amend the amendment by striking out the number "five," and inserting the number "four," in lieu thereof.

Which was decided in the affirmative.

And a division having been called for,

There were forty-eight in the affirmative, and ten in the negative.

The question then recurred on the adoption of the amendment as amended,

And having been put,

It was decided in the affirmative.

Mr. Ryan then moved further to amend the resolution by inserting after the words, "every member of the convention," the words "for distribution among his constituents,"

Which was decided in the affirmative.

And a division having been called for,

There were thirty-six in the affirmative and twenty-eight in the negative.

The question then recurred on the adoption of the resolution as amended,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Hiram Barber, Beall, Bell, Bennett, Bevans, Burnside, Warren Chase, Clark, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fitzgerald, French, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hill, George Hyer, Nathaniel F. Hyer, Inman, James, Jenkins, Judd, Asa Kinney, Lovell, Mills, Noggle, O'Conner, Parsons, Pierce, Prentiss, Ryan, A. Hyatt Smith, George B. Smith, Soper, Steele, Marshall M. Strong, Toland, Willard and Wilson—58.

Those who voted in the negative, were

Messrs. Barnes, Babcock, Baker, Bowen, Bowker, Boyd, Hiram Brown, Burchard, Chamberlain, Cooper, Cox, Edgerton, Elmore, Fuller, Gray, George B. Hall, Hubschmann, Janssen, Kellogg, Kern, Madden, Meeker, Parkinson, Parks, Phelps, Mr. President, Rankin, Reed, Rogan, Seaver, Sewell Smith, Wm. R. Smith, Moses M. Strong, Topping, Vliet, Wakeley, White and Whiteside—37.

Mr. Crawford presented the credentials of James M. Moore, a member of the convention from the county of Waukesha, who, upon his motion, was admitted to his seat as such member.

Moses M. Strong moved that the convention adjourn;

Which was decided in the affirmative.

And a division having been called for,

There were fifty-three in the affirmative,

Negative not counted.

So the convention adjourned until to-morrow morning at ten o'clock, A. M.

THURSDAY, October 8th, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read and corrected.

George Hyer presented the certificate of election of Peter H. Turner, as a member of this convention from the county of Jefferson.

And upon his motion said Turner was admitted to a seat as such member.

Mr. Dennis presented the certificate of election of John H. Manahan, as a member of this convention from the county of Dodge.

And upon his motion, he was admitted to a seat.

Mr. Baker presented the certificate of election of Wm. C. Green, as a member of this convention from the county of Green.

And upon his motion he was admitted to a seat.

The resolution introduced by Mr. Gray, on the 6th inst., relative to printing was then taken up, when

Mr. Baker moved to amend said resolution, by striking out all after the word "Resolved," and insert as follows:

"That Benjamin Holt be employed to do the incidental printing of this convention, and to print the journal of its proceedings, provided; that he shall execute to the Treasurer of the Territory a bond, to be approved by the Governor, with one or more freeholders as sureties, in the penal sum of two thousand dollars, conditioned for the faithful performance of such work."

Mr. Elmore offered the following as a substitute for the amendment to wit:

Strike out all after the word "Resolved" and insert "That a Printer to the convention be elected forthwith, viva voce, and the mode of conducting the election shall be by calling the names of the members from the list of ayes and noes, and every member shall answer

the name of the person for whom he votes and a statement of the vote and all its details shall be recorded at length on the journal."

And the question having been put on the adoption of said substitute,

It was decided in the affirmative.

The question then recurred on the adoption of the resolution as amended.

And having been put

It was decided in the affirmative.

Whereupon, the convention proceeded to the election of a printer to the convention, in accordance with said resolution.

And the names of the several members having been called they voted as follows:

Those who voted for Beriah Brown were

Messrs. Barnes Babcock, Baird, Hiram Barber, Burnside, Warren Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Fitzgerald, French, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Harkin, Hazen, Hesk, Hill, James, Janssen, Judd, Asa Kinney, Meeker, Moore, O'Connor, Parks, Mr. President, Rankin, Reed, Rogan, George B. Smith, William R. Smith, Steele, Toland, Turner, Vliet, White, and Wilson—50.

Those who voted for Benjamin Holt were

Messrs Agry, Atwood, John M. Babcock, Baker, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Hiram Brown, Chamberlain, Fuller, Green, Geo. B. Hall, James H. Hall, Hammond, Heubschmann, Geo. Hyer, Nathaniel F. Hyer, Inman, Jenkins, Kellogg, Kern, Lovell, Madden, Mills, Noggle, Parkinson, Phelps, Pierce, Prentiss, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Soper, Marshall M. Strong, Moses M. Strong, Topping, Wakely, Whiteside, and Willard—44.

Those who voted for Wm. W. Wyman were

Messrs Burchard and Elmore—2.

Beriah Brown having received a majority of all the votes cast, was declared by the President duly elected Printer to the convention.

The following resolution, introduced on yesterday, was then taken up, to wit:

"Resolved, That this convention elect a second assistant Secretary," and

On motion of Mr. Giddings,

The said resolution was laid on the table.

The resolution introduced on yesterday, calling upon the clerks of the different courts in the Territory for certain information, was then taken up, when

Moses M. Strong moved to lay the said resolution on the table.

Which was decided in the affirmative.
And a division having been called for,
There were 47 in the affirmative, and 28 in the negative.
On motion of George B. Smith,
The convention adjourned until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

The President announced the appointment of the following standing committees, to wit:

1st. On the constitution and organization of the Legislature—Messrs. Marshall M. Strong, Baird, Tweedy, Madden and Cooper.

2nd. On the powers, duties and restrictions of the Legislature—Messrs. Agry, Bell, Hesk, Jenkins and Inman.

3rd. On the Executive of the State—Messrs. Reed, Agry, Whiteside, Boyd and Rankin.

4th. On the organization and officers of counties and towns, and their powers and duties—Messrs. Baird, Marshall M. Strong, Asa Kinney, Mills and James.

5th. On the organization and functions of the Judiciary—Messrs. Baker, Ryan, Hiram Barber, William R. Smith and O'Conner.

6th. On Municipal Corporations—Messrs. Bevans, Burnett, Clark, Hazen and Pierce.

7th. On Banks and Banking—Messrs. Ryan, Gibson, Phelps, Sewell Smith, and Soaper.

8th. On corporations other than Banking and Municipal—Messrs. Noggle, Gray, Randall, Kern and Hammond.

9th. On a bill of rights—Messrs, George B. Smith, Giddings, Wakeley, Granger and Goodrich.

10th. On a preamble—Messrs. O'Conner, Dunning, Hill, Bowker, and James H. Hall.

11th. On suffrage and elective franchise—Messrs. Moses M. Strong, Heubschmann, Cox, Burchard and Manahan.

12th. On the militia—Messrs, Wm. R. Smith, Crawford, Parkinson, French and Topping.

13th. On education, schools and school funds—Messrs. Graham, Ryan, Dennis, Fitzgerald and Drake.

14th. On finance, taxation and public debt—Messrs. Judd, Burnside, White, Toland and Kellogg.

15th. On internal improvements—Messrs. Meeker, N. F. Hyer, Rogan, Wilson and Green.

16. On miscellaneous provisions not embraced in the subjects committed to other committees—Messrs. Steele, Warren Chase, Doty, B. Babcock and Bowen.

17th. On amendments to the constitution—Messrs. Lovell, Parks, Cruson, Atwood and Bennett.

18th. On the act of Congress for the admission of the State—Messrs. Prentiss, Ellis, J. M. Babcock, Willard and Chamberlain.

19th. On the boundaries and name of the State—Messrs. Doty, Edgerton, G. B. Hall, Goodell and Dickinson.

20th. On the schedule for the organization of State Government—Messrs. Beall, John Y. Smith, Turner, Seaver, and Harkin.

21st. On the eminent domain and property of the State—Messrs. A. Hyatt Smith, Janssen, Fuller, Parsons and Goodsell.

22nd. On the revision and adjustment of the articles of the constitution adopted by the convention—Messrs. Parks, Elmore, Steele, George Hyer and Hiram Brown.

Hiram Barber moved that the committee on the organization and functions of the judiciary, be increased by the appointment of four additional members;

Which was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Hiram Brown, Burchard, Burnside, Chamberlain, Warren Chase, Clark, Cooper, Crawford, Dennis, Dickinson, Doty, Dunning, Elmore, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hill, Heubshmann, George Hyer, N. F. Hyer, Inman, James, Janssen, Judd, Kellogg, Asa Kinney, Lovell, Manahan, Meeker, Mills, Moore, Noggle, O'Connor, Parks, Parsons, Pierce, Mr. President, Rankin, Reed, Rogan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soaper, Toland, Topping, Turner, Vliet, Wakeley, White, Whiteside and Wilson—80.

Those who voted in the negative, were,

Messrs, Cox, Edgerton, Gray, Jenkins, Madden, Parkinson, Phelps, Ryan, John Y. Smith, Steele, Marshall M. Strong, Moses M. Strong and Willard—13.

A. Hyatt Smith moved to reconsider the vote upon the above question,

Which was decided in the affirmative.

And a division having been called for,

There were forty in the affirmative, and sixteen in the negative.

And the question having been again put on increasing the said committee,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Hiram Barber, Beall, Bowen, Hiram Brown, Burchard, Burnside, Chambertain, Warren Chase, Cooper, Crawford, Dennis, Doty, Elmore, Fuller, Gibson, Giddings, Goodell, Goodsell, Graham, Hazen, Hesk, Hill, George Hyer, N. F. Hyer, Janssen, Judd, Asa Kinney, Manahan, Meeker, Moore, Noggle, Parks, Mr. President, Rankin, Reed, Rogan, Seaver, George B. Smith, Sewall Smith, Wm. R. Smith, Toland, Turner, Vliet and Wilson—48.

Those who voted in the negative, were

Messrs. Baker, Bell, Bennett, Bowker, Boyd, Clark, Cox, Dickinson, Dunning, Edgerton, French, Goodrich, Gray, Green, George B. Hall, Hammond, Harkin, Huebschmann, Inman, James, Jenkins, Kellogg, Lovell, Maadden, Mills, O'Connor, Parkinson, Parsons, Phelps, Pierce, Prentiss, A. Hyatt Smith, John Y. Smith, Soaper, Steele, Marshall M. Strong, Moses M. Strong, Topping, Wakeley, White, Whiteside and Willard.

Mr. Ryan asked to be excused from serving on said committee,

Which was agreed to.

The President then announced the appointment of the following additional members upon said committee, to wit:

Messrs. Baird, Moses M. Strong, Agry, George B. Smith and Tweedy.

Moses M. Strong asked to be excused from serving on said committee,

And no objection being made, he was so excused; and

The President appointed J. Allen Barber in his stead.

George B. Smith introduced the following resolution, which was read, to wit:

"Resolved, That in adding four members to the judicial committee, it was not intended by the convention to cast any imputation against the five already appointed by the President."

On motion of Mr. Dennis,

The convention adjourned.

FRIDAY, OCT. 9th, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read, when

Moses M. Strong moved to amend the journal, by striking out the words "as amended," in the second line of the third page, in relation to the adoption of the resolution relative to printing.

Which was decided in the negative.

Asa Kinney presented the certificate of election of Horace Chase, as a member of this convention from Milwaukee county, who upon his motion, was admitted to a seat.

Mr. Elmore moved that William Holcomb be admitted to a seat as a member of this convention from the county of St. Croix.

Which was agreed to.

Mr. Ryan, from the committee on banks and banking, reported,

No. 1. "Article relative to banks and banking."

The majority of the committee on banks and banking beg leave to report to the convention for its adoption, the following article:

ARTICLE.

1. There shall be no bank of issue within this State.

2. The legislature shall have no power to create, authorize or incorporate, in any manner or form, any bank or other institution or corporation having any banking power or privilege whatever.

3. The legislature shall have no power to confer, in any manner or form, upon any person or persons, corporations or institutions whatever, any banking power or privilege whatever.

4. No person or persons, corporation or institution whatever, shall under any pretence or authority whatever, in any manner or form whatever, make, sign or issue within this State, any paper money, or any bank note, prommissory note, bill, order, check, certificate of deposit, or other evidence of debt whatever, intended to circulate as money; and any person or persons, or any officer or other agent of any corporation or institution so doing, shall, upon conviction thereof, be fined in a sum not less than ten thousand dollars and imprisonment in the penitentiary not less than five years.

5. No person or persons shall utter, pass or pay, or give, or receive in payment, any paper money, or any bank note, prommissory note, bill, order, check, certificate of deposite, or other evidence of debt whatever, intended to circulate as money, which shall purport to have been issued in this State, before or after the adoption of this constitu-

tion, by any person or persons, corporation, or institution whatever; and any person or persons so doing, shall, upon conviction thereof, be fined in a sum not less than five hundred dollars, or imprisoned not less than three months, or both.

6. No corporation within this State shall receive deposits of money, make discounts, or buy or sell bills of exchange; and any officer or other agent of any corporation so doing, shall, upon conviction thereof, be fined in a sum not less than five thousand dollars, and imprisoned not less than two years.

7. It shall be the duty of the legislature, from time to time, as may be necessary, to pass all act and acts requisite to enforce any provision of this article.

All of which is respectfully submitted.

E. G. RYAN, Ch'n.

Which was read the first and second times.

The report of the committee was accepted, and the committee discharged from the further consideration of the subject.

Moses M. Strong moved that said report be referred to the committee of the whole, and one hundred and fifty copies thereof be printed.

And the question having been put,

It was decided in the affirmative.

Moses M. Strong moved that two thousand additional copies of said report be printed for distribution;

Which was decided in the negative.

And the ayes and nays having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bennett, Brown, Bowen, Burchard, Burnside, Chamberlain, Horace Chase, Clark, Doty, Ellis, Fitzgerald, Goodrich, Goodsell, Graham, James H. Hall, Hammond, Harkin, Hesk, Holcomb, George Hyer, Inman, James. Janssen, Jenkins, Kellogg, Lovell, Madden, Manahan, Mills, Noggle, O'Connor, Parkinson, Pierce, Ryan, A. Hyatt Smith, John Y. Smith, Steele, Moses M. Strong, Toland, White, Whiteside and Wilson—42.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bevans, Bowker, Boyd, Warren Chase, Cooper, Cox, Crawford, Cruson, Dennis, Drake, Dunning, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Goodell, Granger, Gray, Green, George B. Hall, Hazen, Hill, Huebschmann, N. F. Hyer, Judd, Asa Kinney, Meeker, Moore, Parks, Parsons, Phelps, Prentiss, Mr. President, Rankin, Reed, Seaver, Sewall Smith, Wm. R. Smith, Soaper, Marshall M. Strong, Topping, Turner, Vliet, Wakeley and Willard—55.

Moses M. Strong, from the committee on suffrage and elective franchise, reported

No. 2. "Article relative to suffrage and elective franchise."

A majority of the committee on suffrage and elective franchise respectfully report, and recommend the adoption as one of the articles of the constitution of the State of Wisconsin, the following

ARTICLE

ON SUFFRAGE AND THE ELECTIVE FRANCHISE.

SECTION 1. Every white male person of the age of twenty-one years, or upwards, who shall either be a citizen of the United States, or who shall have declared his intention to become such in conformity with the laws of Congress now in force regulating the subject of naturalization, and shall have taken and filed in the office of the clerk of the district court of the county in which he resides, an oath to support the constitution of the United States and of this State, and who shall have resided in the State six months next preceding any election, shall be entitled to vote at such election for every officer, which by this constitution, or by law, shall be elective by the electors; and every white male person of the age aforesaid, who may be a resident of this State at the time of the adoption of this constitution by the people, and who shall either be a citizen of the United States, or shall have declared his intention to become such as aforesaid; but no such person shall be entitled to vote except in the district, county or township in which he shall have actually resided for ten days next preceding such election: Provided, That whenever Congress shall dispense with a declaration of intention as a requisite to citizenship, the same shall be dispensed with in this State as a qualification of electors.

SEC. 2. All votes shall be given *viva voce*, except for such township officers as may by law be directed or allowed to be otherwise chosen; and in all elections to be made by the legislature, the members thereof shall vote *viva voce;* and their votes shall be entered on the journal.

SEC. 3. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 4. No elector shall be obliged to do militia duty on the day of election, except in time of war, actual invasion, insurrection or public danger; nor shall any elector on the days of election be obliged to attend any court, either as a suitor, witness or juror.

SEC. 5. No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State.

SEC. 6. No soldier, seaman or mariner in the army or navy of the

United States, shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

SEC. 7. No member of Congress nor any person holding any office of profit or trust under the United States, (the office of postmaster excepted) or under any other State of the Union, or under any foreign power, shall hold or exercise any office of trust or profit under this State.

SEC. 8. No Senator or Representative in the legislature of this State, shall during the time for which he was elected, nor during one year after the expiration thereof be appointed or elected to any civil office under the authority of this State, which shall have been created or the emoluments whereof shall have been increased during the time for which he was elected.

SEC. 9. It shall not be lawful for any voter directly or indirectly to make any bet or wager on any election, at which he shall vote, and it shall be the duty of the legislature to prescribe as a part of the oath to be taken by any voter, that he has not directly or indirectly made any bet or wager on the election at which he offers his vote.

All of which is respectfully submitted.

MOSES M. STRONG, Ch'n.
FRANCIS HUBSCHMANN,
HOPEWELL COXE,
JOHN H. MANAHAN.

Which was read the first and second times.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

Mr. Baker moved that 150 copies of said report be printed, and that said report be referred to the committee of the whole.

Which was decided in the affirmative.

A. Hyatt Smith, from the committee on the eminent domain and property of the State, reported

No. 3. "An article on the eminent domain and property of the State."

The committee on 'eminent domain and property of the State,' have had under consideration the subject referred to them, and have the honor to report and recommend the adoption of the following

ARTICLE

ON EMINENT DOMAIN AND PROPERTY OF THE STATE.

1. The legislature of this State shall never interfere with the primary disposal of the soil of the United States, nor with any regulation Congress may find necessary for securing the title in such soil to

the bona fide purchasers thereof. No tax shall be levied on lands the property of the United States; and in no case shall the lands of non-resident proprietors be taxed higher than residents.

2. The State shall have concurrent jurisdiction on the river Mississippi and on every other river and lake bordering on the said State, so far as the said river or lake shall form a common boundary to the said State, and any other State or States now or hereafter to be formed and bounded by the same; and the said river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax, impost, or duty therefor: Provided, That no law shall be passed to take away or abridge the rights of riparian owners thereto, unless in the same law provision is made for full compensation to such riparian owners.

3. All lands and other property which have accrued to the Territory of Wisconsin by grant, gift, purchase, forfeiture, escheat or otherwise, shall vest in the State of Wisconsin.

A. HYATT SMITH, Ch'n.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The report was read the first and second times, when

Mr. Gray moved that said report be referred to the committee of the whole, and that 150 copies thereof be printed;

Which was decided in the affirmative.

Mr. Crawford moved that 1000 additional copies of the report on banks and banking, and of the report on sufirage and elective franchise be printed for distribution.

Which was decided in the negative.

And a division having been called for,

There were 24 in the affirmative, negative not counted.

Moses M. Strong gave notice that he would on to-morrow or some future day, move the adoption of an additional rule for the government of this convention.

Moses M. Strong introduced the following preamble and resolution,

Which was read and laid over until to-morrow, under the rule, to wit:

Whereas on the 9th day of October, as appears from the journal, a resolution introduced by Mr. Grey, of Grant county, on the 6th inst., relative to printing was taken up, when Mr. Baker, of Walworth, moved to amend the said resolution, providing that Benjamin Holt should be employed to do the incidental printing of this convention, and whereas Mr. Elmore, of Waukesha, offered a substitute for said

amendment, providing that a printer to the convention be elected forthwith *viva voce;* and

Whereas the said substitute for the said amendment was adopted as a substitute for said amendment, and whereas said amendment to said original resolution as amended by the adoption of said substitute, was never adopted by the convention, and whereas therefore, the convention have never had an opportunity of expressing an opinion whether they preferred the amendment as so amended or the original resolution, and whereas, therefore, the convention have never determined that a printer should be elected, therefore

Resolved, That a printer to the convention be elected forthwith *viva voce*, and the mode of conducting the election shall be by calling the names of the members from the list of Ayes and Noes, and every member shall answer the name of the person for whom he votes, and a statement of the vote and all its details, shall be recorded at length on the journal.

Mr. Judd introduced the following resolution, which was read, to wit:

"Resolved, That when the convention adjourn, it will adjourn until Monday morning next."

George Hyer introduced the following resolution, which was read, to wit:

"Resolved, That one hundred and fifty copies of all reports of committees, and of all petitions and resolutions ordered to be printed, be printed for the use of the convention without further order."

The following resolution, introduced on yesterday, was then taken up, to wit:

"Resolved, That in adding four members to the judicial committee it was not intended by this convention to cast any imputation against the five already appointed by the President."

Mr. Judd moved that the said resolution be laid on the table.

Which was decided in the affirmative.

Mr. Warren Chase moved that the resolution calling upon the clerks of the different courts in the Territory for certain information, be now taken up.

Which was decided in the negative.

And a division having been called for,

There were 19 in the affirmative, negative not counted.

Mr. Prentiss moved that leave of absence be granted to Mr. Rogan for one week.

Leave was granted.

Mr. Judd moved that the convention adjourn until Monday morning next.

Mr. Ryan moved that the convention do now adjourn.

Which was decided in the affirmative,

And a division having been called for,
There were 41 in the affirmative, and 33 in the negative.
So the convention adjourned until to-morrow 10 o'clock A. M.

SATURDAY, OCT. 10th, 1846.

Prayer by the Rev. Mr. McHugh.
The journal of yesterday was read.
Wm. R. Smith, from the committee on militia, reported,
No. 4. "Article relative to the militia."

The comittee on the Militia respectfully submit the following Report, to be entitled Article No. , and embodied in the Constitution.

ARTICLE.

OF THE MILITIA.

Section 1. The Militia of this State shall consist of all free, able bodied male persons, negroes and mulattoes excepted, resident in the said state, between the ages of eighteen and forty-five years; except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State; and they shall be armed, equipped, organized and disciplined, in such manner, and at such times as may be directed by law. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 2. The Militia of this state shall be divided into convenient divisions, brigades, regiments, battalions and companies, with officers of corresponding titles and rank to command them, conforming as nearly as practicable to the general regulations of the army of the United States.

Sec. 3. Captains and subalterns in the Militia; field officers of regiments; brigade inspectors; brigadier generals, and major generals shall be elected or appointed in such manner as shall hereafter be provided by law.

Sec. 4. The Governor shall appoint the Adjutant General and other members of his staff. Major generals, brigadier generals, and commanders of regiments and separate battalions shall respectively appoint their own staff. All staff officers may continue in office during good behavior, and shall be subject to be removed by the superior officer from whom they respectively receive their appointment.

Sec. 5. All Military officers shall be commissioned by the Governor.

Sec. 6. The Militia as divided into divisions, brigades, regiments, battalions, and companies, pursuant to the laws now in force, shall remain so organized until the same shall be altered, or regulated by the Legislature.

W. R. SMITH, Ch'n.

The report of the commitee was accepted, and the committee discharged from the further consideration of the subject.

The said article was read the first and second times, referred to the committee of the whole, and 150 copies thereof ordered to be printed.

Mr. Meeker from the committee on Internal Improvements, reported

No. 5 "Article relative to Internal Improvements."

The committee to whom was referred the subject of Internal Improvements, beg leave to make the following report:

ARTICLE.

Internal Improvements shall forever be encouraged by the Government of this State. But the Legislature shall in no case create, or incur, a State Debt for that object, without at the same time providing means for the payment of the Interest thereof, and the final liquidation of the same.

M. MEEKER, Ch'n.
N. F. HYER,
J. F. WILSON,
WM. C. GREEN.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The said article was then read the first and second times, referred to the committee of the whole and

On motion of Mr. Phelps,

One hundred and fifty copies thereof ordered to be printed.

Mr. Crawford introduced the following resolution, which was read, to wit:

"Resolved, That all laws for the collection of debts shall forever be prohibited within this State."

Mr. Doty introduced the following resolution, which was read, to wit:

"Resolved, That the committee on the organization and functions of the judiciary, be instructed to inquire into the expediency of providing in this constitution, that the legislature, at its first session after the adoption of the constitution shall provide by law for the appoint-

ment of three commissioners, whose duty it shall be to revise, reform, simplify and abridge the statutes, and the rules of practice, pleadings, forms and proceedings of the courts of record of this State, and to report thereon to the legislature, subject to their adoption and modification."

The preamble and resolution introduced on yesterday, relative to the election of printer, was then taken up; when

Mores M. Strong asked and obtained leave to withdraw the same.

The resolution introduced on yesterday relative to an adjournment, was then taken up; when

Mr. Judd asked and obtained leave to withdraw the same.

The following rule, introduced by Moses M. Strong, was then taken up and adopted, to wit:

"Rule . Every proposition which it is proposed shall form a part of the constitution, shall, after it shall have been considered in committee of the whole, and after the amendments reported by the committee of the whole, shall have been acted on, be open to amendment in the convention, and when there are no further amendments to be proposed, the question shall be on ordering the proposition to be engrossed for its final passage, and after the same shall have been engrossed, the same shall not be amended except by the unanimous consent of the convention."

The following resolution introduced on yesterday, was then taken up and adopted, to wit:

"Resolved, That one hundred and fifty copies of all reports of committees and of all petitions and resolutions ordered to be printed, be printed for the use of the convention without further orders."

On motion of Mr. Ellis,

The Convention adjourned.

MONDAY, OCT. 16. 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Bevans presented the certificate of election of J. Allen Barber, a member of this convention, from the county of Grant, who upon his motion, was admitted to his seat.

Also, the certificate of election of James Gilmore, a member of this convention from the county of Grant, who upon his motion, was admitted to his seat.

Mr. Burchard presented the certificate of election of Benjamin Hunkins, a member of this convention, from the county of Waukesha.

Also, the certificate of election of Alexander W. Randall, a member of this convention from the county of Waukesha, who upon his motion were admitted to their seats.

Mr. Whitesides presented the certificate of election of Frankin Z. Hicks, a member of this convention from the county of Grant, who upon his motion was admitted to his seat.

Rufus Parks, a member from the county of Waukesha, presented his certificate of election,

Which was ordered to be filed.

Mr. Graham presented the certificate of election of James Magone, a member of this convention from the county of Milwaukee, who, upon his motion, was admitted to his seat.

Mr. Judd, from the committee on taxation, finance and public debt, reported

No. 6. "Article relative to taxation, finance and the public debt."

The committee on finance, taxation, and public debt, respectfully report for the adoption of the convention, the following propositions:

TAXATION.

ARTICLE.

1. All taxes to be levied in this State, at any time, shall be as nearly equal as may be.

2. All public lands or other property situated and being within this State, belonging to the United States, shall be free from taxation.

3. All lands or other property belonging to this State, shall be forever free from taxation.

4. All school lands, university lands and all other property belonging to any school, university, college or seminary of learning, situated and being within this State, shall be forever free from taxation.

5. All houses erected for and dedicated to the public worship of God, and the lots which they necessarily occupy for such purpose, and all public burying grounds, and all parsonage houses and the lands connected therewith, to the value of two thousand five hundred dollars, shall be forever free from taxation.

FINANCE.

ARTICLE.

1. No money shall ever be paid out of the treasury of this State,

except in pursuance of an appropriation by law.

2. The credit of this State shall not, in any manner, be given or loaned in aid of any individual, association or corporation.

3. There shall be published, under the direction of the treasurer, in at least one newspaper printed at the seat of government in this State, during the first week in January in each and every year, a detailed statement of all the money drawn from the treasury during the preceding year, for what purpose, and to whom paid.

4. There shall not, at any time, be issued, in any form or manner, under the authority of this State, any state scrip, certificate or evidence of state debt, except for such debts as are authorized by the second and third sections of article , in this constitution.

PUBLIC DEBT.

ARTICLE.

1. No public debt shall at any time be created in this State, except such as is authorized in the following sections of this article.

2. This State may, to meet accidental deficits and failures in revenue, or for expenses not provided for, contract debts; but such debts, singly or in the aggregate, shall not, at any time, exceed fifty thousand dollars, unless in time of war, to repel invasion, or to suppress insurrection and rebellion.

3. Except the debts specified in the second section of this article, no debt or liability shall be contracted by or on behalf of this State, unless such debt shall be authorized by law, for some single work or object to be distinctly specified therein. Nor shall such law take effect until it shall, at a general election, have been submitted to the qualified electors of this State for their approval or disapproval, and shall have received in its favor a majority of all the votes cast at such election upon that subject.

No such law shall be submitted to be voted upon, within less than three months from its passage; nor when any other law, or any amendment to the constitution shall be submitted to be voted for or against.

All which is respectfully submitted.

STODDARD JUDD,
ANDREW BURNSIDE,
JOSHUA WHITE,
PATRICK TOLLAND,
CHAUNCEY KELLOGG.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The said article was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Gibson, from the minority of the committee on banks and banking, reported

No. 1. "Article relative to banks and banking."

REPORT

OF THE MINORITY OF THE COMMITTEE ON BANKS AND BANKING.

Mr. Gibson, one of the committee, dissents from the report of said committee, and begs leave to offer the following reasons for dissenting therefrom:

1st. Because the said report was prepared by the chairman of said committee without consulting the other members of the committee, and without having called them together or ascertained their opinions upon the subject committed to them.

2nd. Because the said report recommends the adoption of a provision in the constitution *forever* prohibiting either the legislature or the *people* of the State from establishing any bank or monied institution.

3rd. Because the said report recommends the adoption of a provision in the constitution which is unusual, and without a precedent: namely, the infliction of fines and imprisonment.

For the above and other reasons, the undersigned dissents from the said report, and as a substitute therefor would submit the following

ARTICLE:

1st. There shall not be established or incorporated within this State any bank or banking company or any monied institution for the purpose of issuing bills of credit or bills or notes payable to order, or bearer, or certificates of deposite, intended for circulation, unless chartered by the legislatnae; and no act of incorporation shall be passed, unless approved of and passed by at least two-thirds of the members of each house of the legislature of this State. Nor shall any such bank go into operation or commence business until at least one-third of its capital stock shall be paid in in gold and siver coin.

2nd. All stockholders in any bank chartered in this State shall be personally liable for all debts and liabilities of the said corporation.

M. S. GIBSON.

The said article was then read the first and second times, referred to the committee of the whole, and ordered to be printed.

Mr. Dennis introduced the following resolution, which was read, to wit:

"Resolved, That the Treasurer of the Territory be, and he is hereby requested to report to this convention what amount of monies have been received by him by virtue of a resolution in relation to

canal funds,' approved February 3rd, 1846: what disposition he has made of the same, and how much there is in his hands subject to the order or control of this convention."

Mr. Burnside introduced the following resolution, which was read, to wit:

"Resolved, That the following provisions shall be added to, and shall constitute a part of the 12th rule for the government of this convention, viz: 'But when the final vote shall be taken upon each distinctive provision in the constitution, it shall invariably be by the ayes and noes.'"

Mr. Beall introduced the following resolution, which was read, to wit:

"Resolved, That one hundred and fifty copies of the census taken recently in this Territory, be printed for the use of the members of this convention."

Warren Chase introduced the following resolution, which was read, to wit:

"Resolved, That taking life, either by hanging or otherwise, shall never be instituted as a mode of punishment for crime in this State."

Mr. Goodell introduced the following resolution, which was read, to wit:

"Resolved, That the clerk of the Supreme Court and the clerks of the District Courts in the counties of Dane, Milwaukee and Racine, and the registers in chancery in said counties, be and they are hereby requested to furnish for the information of this convention, a statement showing

1st. The number of suits commenced in their respective courts, during the year ending on the first day of October, 1846.

2nd. The number of trials had and suits disposed of.

3rd. The amount of money collected during the same term, exclusive of costs.

4th. The amount of costs and fees charged in the business of their respective courts during the same time, by clerks, registers in chancery, sheriffs and all other officers of their respective courts, witness' fees, jury fees, and and the amount of attorney's fees, as near as they can estimate the same."

Mr. Willard introduced the following resolution, which was read, to wit:

"Resolved, That a select committee of five be appointed to inquire into the expediency of establishing a court to be styled a court of reconciliation, and that the committee do report thereon."

Mr. Dennis introduced the following resolution, which was read, to wit:

"Resolved, That a select committee to consist of nine, be appoint-

ed, to whom shall be referred all the expenses of this convention."

George Hyer introduced the following resolution, which was read, to wit:

"Resolved, That in submitting the constitution adopted by this convention to the people of the Territory for their approval, the question "shall the right of suffrage be extended to Negroes?" shall also, be submitted as a distinct proposition, to be voted upon in like manner, and such vote shall determine that provision of the constitution which makes color a distinction in the extention of the elective franchise."

Mr. Prentiss introduced the following resolution, which was read, to wit:

"Resolved, That the committee on the constitution and organization of the legislature, be directed to inquire into the expediency of apportioning the members of the legislature among the several counties in such manner that they shall be chosen by single districts."

Mr. Huebschmann introduced the following resolution, which was read, to wit:

"Resolved, That a select committee of three be appointed, to report to this convention an article supplementary to the constitutton, providing for the submission to a separate vote of the people, at the same time with the constitution, the question of giving the right of suffrage to the colored population."

Mr. Magone, by leave, introduced the following resolution, which was read, to wit:

"Resolved, That the secretary be and he is hereby instructed to furnish to the Postmaster at Madison, a list of the members of this convention, and that three members of this convention, be appointed a committee to ascertain and provide the ways and means to defray the necessary postage of members."

The resolution introduced on the 10th instant relative to the collection of debts, was then taken up, when

Mr. Crawford moved its reference to a select committee of five,

Which was agreed to.

The President announced the appointment of the following committee to whom said resolution was referred, to wit: Messrs. Crawford, French, Parkinson, Warren Chase, and Bowker.

The resolution introduced on the 10th instant, in relation to the practice in the courts of record of the State, was then taken up: when

On motion of Mr. Beall,

It was laid on the table.

George B. Smith moved that the resolution introduced by him on e

previous day of the session, in relation to adding four additional members to the judiciary committee, be now taken up,

Which was agreed to; when

Mr. Smith by leave, withdrew the said resolution.

Marshall M. Strong moved that the convention resolve itself into committee of the whole for the consideration of

No. 1, "Article on banks and banking;"

Also, upon the minority report of the same;

Which was agreed to.

Mr. Baker in the chair.

And after some time spent therein,

The committee rose and reported progress upon the said article and asked leave to sit again thereon.

Leave was granted.

On motion of Moses M. Strong,

The Convention adjourned until 2 o'clock P. M.

Two O'clock, P. M.

On motion of Moses M. Strong,

The convention again resolved itself into committee of the whole, for the further consideration of

No. 1. "Article relative to banks and banking," and the minority report relative thereto;

Mr. Baker in the chair.

And after some time spent therein,

The committee rose and reported progress on the said article, and asked leave to sit again thereon.

Leave was granted.

Mr. Ryan moved that the amendments offered in committee of the whole to said article, be printed for the use of the convention;

Which was decided in the affirmative.

Hiram Barber presented the certificate of election of Horace D. Patch, a member of this convention from the county of Dodge, who on his motion, was admitted to a seat.

On motion of George Hyer,

The convention adjourned.

TUESDAY OCT. 13th, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read,

Moses M. Strong moved that the rules relative to the order of business be suspended, and that the convention do now resolve itself into committee of the whole, for the further consideration of

No. 1. "Artcle relative to banks and banking," and the minority report relative thereto.

Which was decided in the affirmative.

And a division having been called for,

There were fifty-three in the affirmative and thirteen in the negative.

The convention then resolved itself into committee of the whole for the consideration of said articles.

Mr. Agry in the chair.

And after some time spent in the consideration thereof, the committee rose and reported progress and asked leave to sit again thereon.

Leave was granted.

On motion of Mr. N. F. Hyer,

The convention adjourned until two o'clock, P. M.

TWO O'CLOCK P. M.

Mr. Crawford presented the certificate of election of Charles E Brown, a member of this convention from the county of Milwaukee, who upon motion of Mr. Crawford, was admitted to his seat.

Warren Chase, by leave, introduced the following resolution, which was read, to wit:

"Resolved, That the hour of meeting of this convention be hereafter at nine o'clock, A. M., instead of ten."

Moses M. Strong moved that the fourth standing rule for the government of this convention be suspended in reference to the above resolution, so that the same may be now taken up and acted upon;

Which was decided in the affirmative.

And a division having been called for,

There were 59 in the affirmative, and 4 in the negative.

The said resolution was then taken up and adopted.

On motion of A. Hyatt Smith,

The convention again resolved itself into committee of the whole, for the consideration of

No. 1. "Article on banks and banking," and the minority report relative thereto.

Mr. Agry in the chair.

And after some time spent therein, the committee rose and reported progress thereon and asked leave to sit again.

Leave was granted.

Moses M. Strong moved that the convention adjourn until 7 o'clock, P. M.

Mr. Judd moved that the convention adjourn;

Which was decided in the affirmative.

And a division having been called for.

There were sixty-six in the affirmative,

Negative not counted.

So the convention adjourned.

WEDNESDAY, OCT. 14, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Cruson presented the certificate of election of Thomas P. Burnett, a member of this convention from the county of Grant, who upon his motion was admitted to his seat.

Mr. Baker presented the certificate of election of William Berry, a member of this convention from the county of Walworth, who upon his motion was admitted to his seat.

Mr. Holcomb presented the certificate of election of Peter A. R. Brace, a member of this convention from the county of Crawford, who upon his motion was admitted to his seat.

A. Hyatt Smith presented the certificate of election of Samuel T. Clothier, a member of this convention from the county of Jefferson, who upon his motion was admitted to his seat.

Mr. Whiteside presented the certificate of election of James R. Vineyard, a member of this conventiou from the county of Grant, who upon his motion was admitted to his seat.

Asa Kinney introduced the following resolution, which was read, to wit:

"Resolved, That any white male citizen of the age of twenty-one years, of good moral character, and who possesses the qualifications of learning and ability, shall be entitled to admission to practice in all courts of this State."

James H. Hall introduced the following resolution, which was read, to wit:

"Resolved, That the committee upon miscellaneous provisions not embraced in the subjects committed to other committees, be instructed to consider and report whether or not it is expedient to incorporate a clause in the constitution exempting real estate from sale upon execution, and also whether or not a clause be incorporated providing for the better protection of the rights of Married Women in their property, and if, in their opinion, the incorporation of such clause be expedient, that they be directed to report proper articles for that purpose."

Mr. Clark introduced the following resolution, which was read, to wit:

"Resolved, That one hundred and fifty copies of the late act of Congress providing for the admission of Wisconsin into the Union, be printed for the use of the members of this convention."

Mr. Parkinson introduced the following resolution, which was read, to wit:

"Resolved, That the legislature shall have no power to pass any law authorizing the granting of license for the sale of spirituous liquors in this State."

Mr. Judd moved to take up the resolution calling upon the Treasurer for certain information.

The President decided that the motion was out of order.

Mr. Dennis moved that the use of this Hall be granted to Henry Barnard, for the purpose of delivering a lecture on the subject of common schools and education, on this and to-morrow evenings.

Which was agreed to.

The following resolution was then taken up and adopted, to wit:

"Resolved, That the Treasurer of the Territory be, and he is hereby requested to report to this convention, what amount of moneys have been realized by the sale of Canal Lands, whether such amount has been received by him, or how much thereof has been received by him, by virtue of a resolution in relation to canal funds, approved February 3d 1846; what disposition he has made of the amount received by him, in whose hands any amount not received by him now is, and how much there is in his hands subject to the order or control of this Convention.

The resolution proposing amendments to the 12th rule, was then taken up and adopted.

Moses M. Strong then moved that the convention do now resolve itself into committee of the whole for the further consideration of No. 1, "Article relative to Banks and Banking," and the minority report on.

Which was decided in the affirmative.

The convention then resolved itself into committee of the whole on said articles,

Mr. Agry in the chair.

And after some time spent therein, the committee rose and reported progress on said articles, and asked leave to sit again thereon.

Leave was granted.

Marshall M. Strong introduced the following resolution, which was read, to wit:

"Resolved, That the fourth standing rule be so amended, that resolutions may be considered under the third order of business, provided, however, that one hour only shall be occupied in the first three orders of business, and that under the fourth order of business, the business which has most progressed shall be first taken up, and of that portion of the business which is in the same state of progress, that which was first introduced, shall be first taken up, and it shall be the duty of the President to put all questions arising in regular order without any special motion therefor, and that all motions to lay any question on the table, and all motions in relation to the priority of business, shall be decided without debate, and that all resolutions heretofore laid upon the table by the convention, shall be taken up and placed in their regular order of business."

Mr. Judd moved that the 4th standing rule be suspended in order that said resolution may be now taken up, and acted upon by the convention.

Which was decided in the affirmative.

The said resolution was then adopted.

Moses M. Strong moved that the convention adjourn until 2 o'clock, P. M.

Which was decided in the affirmative.

Two o'clock, P. M.

The convention resolved itself into the committee of the whole on No. 1, "article relative to Banks and Banking,"

And the minority report thereon.

Mr. Agry in the chair.

And after some time spent therein, the committee rose, and reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Mr. Whitesides,

The convention adjourned.

Thursday, October 15th, 1846.

Prayer by the Rev, Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Kellogg moved that Mr. Henry Barnard be invited to take a seat within this hall during his stay in this place.

Which was agreed to.

The resolution in relation to electing an additional secretary was takea up, when

Mr. Dennis moved that it be laid upon the table;

Which was agreed to.

Mr. Magone moved that John H. Tweedy, a member of this convention from the county of Milwaukee, be admitted to his seat.

Which was agreed to.

Mr. Baker offered the following resolution, which was read, to wit:

"Resolved, That there shall be paid to the printers at Madison, who furnish newspapers to the members of this convention under the resolution adopted by the convention, six cents a piece, for such papers, and for reporting and publishing therein the proceedings of this convention."

The resolution in relation to the adjournment of this convention, was then taken up; when

Moses M. Strong moved to strike out of said resolution the words "Monday, the 26th of October."

Which was agreed to.

Moses M. Strong then moved to fill the blank with the words, "Monday, the 2nd day of November."

Mr. Kellogg moved to lay said resolution on the table.

Moses M. Strong called for the ayes and noes which were not ordered.

And the question having been put on laying said resolution on the table,

It was decided in the affirmative.

The resolution relative to printing one hundred and fifty copies of the late census, was then taken up and adopted.

The resolution relative to taking life by hanging or otherwise, was then taken up; when

Warren Chase moved that said resolution be referred to the committee on miscellaneous provisions, not embraced in the subject committed to other committees.

Which was agreed to.

The resolution offered by N. F. Hyer calling upon clerks of the several courts of the Territory for certain information, was taken up; when

Mr. Doty offered the following amendment, which was accepted by Mr. Hyer, to wit:

"And that the secretary of this convention transmit to each of the clerks of the district courts a copy of this resolution."

A. Hyatt Smith offered the following amendment, to wit:

"And that such information be furnished without charge to the Territory or State of Wisconsin."

And the question having been put on said amendment,

It was decided in the negative.

Moses M. Strong offered the following amendment, to wit:

"And that the said clerks be paid a reasonable compensation therefor."

Which was adopted.

And a division having been called for,

There were 43 in the affirmative, and 38 in the negative.

Moses M. Strong offered the following amendment, to wit:

"And that said clerks also furnish a statement of the number of criminal prosecutions, and the number of convictions, and the number of acquittals and the number of *nolle proseques* and the costs in criminal cases."

Which amendment was accepted by Mr. Hyer, as a modification to the resolution.

The hour for considering resolutions having expired.

Mr. Magone moved that all rules preventing the further consideration of the resolution be now suspended.

Which was agreed to.

And a division having been called for,

There were 82 in the affirmative, and 2 in the negative.

Mr. Ellmore moved to amend the resolution by striking out the words "*nolle prosequi*," in said resolution.

Mr. Gray demanded the previous question, on which demand a division was called for;

And there were 66 in the affirmative and 13 in the negative.

The question was then put,

"Shall the main question be now put?"

And was decided in the affirmative.

And a division having been called for,

There were sixty nine in the affirmative,

Negative not counted.

The question was then put on the adoption of the said resolution as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnett, Chamberlain, Warren Chase, Clark, Clothier, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Fitzgerald, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Gray, Green, George B. Hall, James H. Hall, Hammond. Harkin, Hazen, Hesk, Hicks, Hill, Holcomb, Hubschmann, George Hyer, Nathaniel F. Hyer, Inman, James, Janssen, Judd, Kern, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randall, Rankin, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Toland, Topping, Tweedy, Vliet, Wakeley, White, Whiteside, Willard and Wilson—97.

Those who voted in the negative, were

Messrs. Baird, Bowen, Horace Chase, Coxe, Elmore, Graham, Hunkins, Kellogg, Reed, Ryan, Moses M. Strong, and Vineyard—12.

The convention then resolved itself into committee of the whole for the consideration of

No. 1. "Article relative to banks and banking," and the minority report thereon.

Mr. Agry in the chair.

And after some time spent therein, the committee rose and reported progress thereon, and asked leave to sit again.

Leave was granted.

Mr. Magone moved that the convention adjourn until 2 o'clock, P. M.

Which was agreed to.

TWO O'CLOCK, P. M.

The convention then resolved itself into committee of the whole, on

No. 1. "Article relative to banks and banking," and the minority report thereon.

And after some time spent therein, the committee rose and reported the said articles back to the convention with amendments.

Mr Ryan then moved to amend the report of the committe, by striking out all after the third section, and inserting as follows:

4. No person or persons, corporation or institution whatever, shall, under any pretence or authority, whatever, in any manner or form whatever, make, sign, or issue within this state, any paper money, or any bank note, promissory note, bill, order, check, certificate of deposite, or other evidence of debt whatever, intended to circulate as money: and any person or persons, or any officer or other agent of any corporation or institution so doing, shall upon conviction thereof, be fined in a sum not less than ten thousand dollars and imprisoned in the penitentiary not less than five years.

5. No person or persons shall utter, pass or pay, or give, offer or receive in payment, any paper money, or any bank note, promissory note, bill, order, check, certificate of deposite, or other evidence of debt whatever, intended to circulate as money, which shall purport to have been issued in this State, before or after the adoption of this constitution, by any person or persons, corporation, or institution whatever; and any person or persons so doing, shall upon conviction thereof, be fined in a sum not less than five times the nominal amount so uttered, passed, or paid, or given or received in payment in such case.

6. No corporation within this State shall exercise the business of receiving deposites of money, making discounts, or buying or selling bills of exchange; and any officer or other agent of any corporation

so doing, shall upon conviction thereof, be fined in a sum not less than $5000, and imprisoned not less than two years.

7. No branch or agency of any bank or banking corporation or institution of the United States or of any State or Territory within the United States, or of any foreign country, or of any person or persons doing banking business without this State, shall be established or maintained within this State, or shall issue any paper money, bank note or other evidence of debs whatever, intended to circulate as money, or receive deposites of money, make discounts or buy or sell exchange, or exercise any other banking power or privilege whatever, in any manner or form whatever within this State; and any officer of any such branch or other agent of any such bank, corporation or institution, person or persons, so doing, shall, upon conviction thereof, be fined in a sum not less than $5000, and imprisoned in the penitentiary not less than two years.

8. It shall be the duty of the legislature from time to time, as may be necessary, to pass all act and acts requisite to enforce any provision of this article.

Mr. Ryan called for the ayes and noes on the adoption of said amendment,

Which were ordered.

Mr. Judd moved a call of the house;

Which was ordered, and

Messrs. Bowen, Fitzgerald, Mills and Pierce were reported absent.

Mr. Dennis moved that Mr. Bowen be excused from his attendance in the convention;

Which was agreed to.

On motion of Mr. Magone,

Mr. Fitzgerald was excused from his attendance in the convention.

On motion of Mr. Noggle,

Mr. Mills was excused from his attendance in the convention.

Mr. Judd moved that all further proceedings under the call be dispensed with;

Which was agreed to.

Mr. Doty called for a division of the question.

And the question having been put on striking out all after the third section of the report of the committee of the whole,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bennett, Bevans, Hiram Brown, Burnside, Clark, Dunning, Elmore, French, Giddings, Goodrich, Geo. B. Hall, Hammond, Hicks, Holcomb, Geo. Hyer, Inman, Lovell, Madden, Noggle, Parkinson, Parsons, Phelps, Ryan, A. Hyatt Smith, John Y. Smith, Soaper, Mar-

shall M. Strong, Moses M. Strong, Tweedy, Vineyard, White, Whiteside, Willard and Wilson—34.

Those who voted in the negative, were,

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Berry, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnett, Chamberlain, Horace Chase, Warren Chase, Clothier, Cooper, Cox, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Fuller, Gibson, Gilman, Goodell, Goodsell, Graham, Granger, Gray, Green, James H. Hall, Harkin, Hazen, Hesk, Hill, Huebschmann, Hunkins, Nathaniel F. Hyer, James, Janssen, Judd, Kellogg, Kern, Asa Kinney, Magone, Manahan, Meeker, Moore, O'Connor, Patch, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, George B. Smith, Sewell Smith, Wm. R. Smith, Steele, Toland, Topping, Vliet and Wakeley—73.

Moses M. Strong moved to amend the report of the committee of the whole, by adding the following as section 6, to wit:

"Sec. 6. No person or persons, corporation or institution whatever, shall under any pretence or authority whatever, in any manner or form whatever, make, sign, or issue, within this State, any paper money, or any bank note, promissory note, bill, order, check, certificate of deposite, or other evidence of debt whatever, intended to circulate as money, and any person or persons, or any officer or other agent of any corporation or institution so doing, shall upon conviction thereof, be fined in a sum not less than ten thousand dollars, and imprisoned in the penitentiary not less than five years."

And the question having been put on the adoption of the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Bennet, Bevans, Hiram Brown, Chamberlain Clark, Dunning, Elmore, French, Goodrich, George B. Hall, Hammond, Harkin, Holcomb, George Hyer, Inmann, Kellogg, Lovell, Madden, Mannahan, Noggle, Patch, Parkinson, Parsons, Phelps, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Whitesides, and Willard—34

Those who voted in the negative, were,

Messrs. Agry, John M. Babcock, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Berry, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnett, Horace Chase, Warren Chase, Clothier, Cooper, Cox, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodsell, Graham, Granger, Gray, Green, James H. Hall, Hazen, Hesk, Hicks, Hill, Heubschmann, Hunkins, Nathaniel F. Hyer, James, Janssen, Judd, Kern, Asa Kinney, MaGone, Meeker, Moore, O'Connor, Parks, Pren-

tiss, Mr. President, Randall, Rankin, Reed, Seaver, George B. Smith, Sewall Smith, William R. Smith, Steele, Toland, Topping, Tweedy, Vliet, Wakely, White, and Wilson—72.

Mr. Noggle moved to amend the report of the committee of the whole, by adding to the 4th section as follows:

"And the Legislature shall, at the first session after the adoption of this constitution, provide by law for the punishment in the State Prison and by fine, any person or persons whatever, who shall violate any of the provisions before mentioned in this article."

And the question having been put on the adoption of said amendment.

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Atwood, Bennett, Berry, Bevans, Brace, Hiram Brown, Chamberlain, Clark, Dunning, Elmore, Goodrich, Goodsell, Green, George B. Hall, James H. Hall, Hammond, Harkin, Holcomb, George Hyer, Inmann, James, Kellogg, Lovell, Madden, Manahan, Noggle, Patch, Parkinson, Parsons, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Wakely, White, Whiteside, and Willard—40.

Those who voted in the negative were,

Messrs. Agry, John M. Babcock, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bowker, Boyd, Charles E. Brown, Burchard, Burnett, Horace Chase, Warren Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Dickinson, Doty, Drake, Edgerton, Ellis, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Hazen, Hesk, Hicks, Hill, Heubschmann, Hunkins, Nathaniel F. Hyer, Janssen, Judd, Kern, Asa Kinney, MaGone, Meeker, Moore, O'Connor, Parks, Prentiss. Mr. President, Randall, Reed, Seaver, George B. Smith, Sewell Smith, William R. Smith, Steele, Toland, Topping, Tweedy, Vliet, and Wilson—63.

Mr. Ryan moved to amend the report of the committee by inserting the following additional section, to wit:

"Sec. 6. No person or persons shall pass, pay or give, offer or receive in payment any paper money, bank note, promissory note, bill, check order, certificate of deposite or other evidence of debt whatevet, intended to circulate as money, issued without this State, after the year 1847 of any denomination less than ten dollars, nor after the year 1849 of any denomination less than fifty dollars."

And pending the question on the adoption of said amendment,

Mr. Dennis moved a call of the house.

Which was ordered, and Messrs. Burnside and Pierce reported absent when.

On motion, further proceedings under the call were dispensed with.

The question was then put on the adoption of the said amendment.

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, John M. Babcock, Hiram Barber, Beall, Bennett, Berry, Bevans, Brace, Chamberlain, Warren Chase, Clarke, Dennis, Dickinson, Doty, Dunning. Elmore, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, George B. Hall, James H. Hall, Hammond, Harkin, Holcomb, George Hyer, Nathaniel F. Hyer, Inman, James, Kellogg, Lovell, Madden, Manahan, Moore, Noggle, Patch, Parkinson, Parsons, Phelps, Ryan, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, Steele, Marshall M. Strong, Moses M. Strong, Vineyard, Wakely, White, Whiteside, and Willard—56.

Those who voted in the negative were,

Messrs. Agry, Baird, Baker, J. Allen Barber, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnett, Horace Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Hazen, Hesk, Hicks, Hill, Heubschmann, Hunkins, Janssen, Judd, Kern, Asa Kinney, MaGone, Meeker, O'Connor, Parks, Prentiss, Mr. President, Randall, Reed, Seaver, William R. Smith, Soper, Toland, Topping, Tweedy, Vliet and Wilson—49.

Mr. Beall then moved further to amend the report of the committee, by inserting the following as a substitute therefor:

"Sec. 1. The Legislature of this State shall not have power to grant any special bank charters, or confer any special banking privileges whatever,

Sec. 2. All banks are, and all banking of any description whatever, either general or special, is forever prohibited within this State (except such as is hereinafter provided for.)

Sec. 3. No law authorizing banking in any manner or under any pretext whatever, shall ever be passed by the Legislature of this State, except the said law be general in its terms, and conveying rights equally to every citizen, and shall be adopted in the following manner: The proposed law shall pass through the ordinary forms of legislation, the yeas and nays being taken and entered at large upon the journal of the Legislature, and if adopted by them shall be published fully and distinctly in six weekly newspapers located in different sections of the State, for thirteen weeks in succession next preceeding any general election, and shall then be submitted to the people, and if

approved by a majority of the electors of this State at such election, made to appear by the return to the proper office, as shall be provided for the election of members of Congress of the United States, then the said act shall become a law of the land, subject to be repealed, altered or amended in the same manner as is provided for enacting the same, and no other way. Provided, always, the private and individual property of the stockholders of any and all banks established under this article, shall be liable for all debts contracted, or notes, or bills issued by the corporation or institution of which they shall be stockholders in like manner, and to the same extent, as for other indebtedness; and for the term of one year after the transfer of their stock shall have been made.

Sec. 4. No person or persons, corporation or institution within this State (except such as are expressly authorized by law herein provided) or any agent of any institution, corporation, or person of any other State or Territory, or of any foreign country shall issue within this State any bills, promissory notes, certificates of deposite or other evidence of debt whatever, intended to circulate as money, under the penalty of the forfeiture of an amount equal to the amount so issued, and such other penalty as shall be by law provided.

Sec. 5. No corporation within this State, other than those provided for in this article, shall receive deposits of money, make discounts, or buy or sell bills of exchange.

Sec. 6. The Legislature of this State shall have full power to pass all neccessary laws to carry into effect the provisions of this article.

And pending the question on the adoption of the said amendment.

Moses M. Strong moved that the Convention adjourn until 7 o'clock, P. M.

Which was disagreed to.

On motion of Mr. Magone,

The Convention adjourned.

FRIDAY, OCT. 16th, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read and corrected.

Mr. Dennis moved that leave of absence be granted to Mr. Turner.

Leave was granted.

Mr. Burchard asked that leave of absence be granted to Barnis Babcock.

Leave was granted.

Mr. Baker asked that leave of absence be granted to N. F. Hyer.

Leave was granted.

Mr. Whiteside asked that leave of absence be granted to Mr. Elmore.

Leave was granted.

Hiram Brown asked that leave of absence be granted to Mr. Bowen.

Leave was granted.

Marshall M. Strong introduced the following resolutions, which were read, to wit:

"Resolved, That there shall be a standing committee on engrossment, consisting of five members, to be appointed by the President."

"Resolved, That the committee on revision be authorized and instructed to report to the convention, all such verbal amendments to such articles as shall have passed the third reading, as they shall deem expedient, not changing in any manner the substance of such article."

Moses M. Strong moved that all rules which prevent the consideration of said resolution now, be suspended.

Which was decided in the affirmative.

And a division having been called for,

There were 58 in the affirmative, and 2 in the negative.

The said resolution was then taken up, and adopted.

The President announced the following committee under said resolution, to wit:

Messrs. Marshall M. Strong, Hunkins, White, Hammond, and Phelps.

The resolution calling upon the several clerks of the Supreme court and of the District courts of the counties of Dane, Milwaukee, and Racine, and the Registers in chancery in said counties for certain information, was taken up, when

Mr. Goodell asked and obtained leave to withdraw the same.

The resolution relative to establishing a court of reconciliation, was taken up, when

Mr. Willard asked and obtained leave to withdraw the same.

The resolution relative to appointing a select committee, to whom shall be referred all the expenses of this convention, was taken up, and adopted.

The President announced the following committee under said resolution, to wit:

Messrs. Dennis, Bennett, Wilson, Dunning and Warren Chase.

The resolution relative to the extension of the elective franchise to the colored population, was taken up, when

George Hyer asked and obtained leave to withdraw the same.

The resolution relative to a new apportionment of the members of the legislature, was taken up and adopted.

The resolution of Mr. Huebschmann, relative to appointing a select committee, in relation to the question of granting the right of suffrage to the colored population, was taken up, when

Mr. Huebschman asked and obtained leave to withdraw the same.

The resolution relative to appointing a committee to report ways and means relative to the postage of members of this convention, was taken up.

And the question having been put on the adoption of said resolution,

It was decided in the negative.

And a division having been called for,

There were 26 in the affirmative, negative not counted.

The resolution relative to admission to practice in all courts in this State, was taken up, when

Asa Kinney moved that said resolution be referred to the committee on the Judiciary.

Which was agreed to.

The morning hour having expired, the unfinished business of yesterday was taken up, when

Mr. Kellogg moved to amend the report of the committee of the whole, by adding the following to section 2, to wit:

"Provided, should any future legislature see proper to provide by law for a general or private banking system, they shall have power to do so; but no bank or other institution having banking privileges, shall have power to issue any bills or other evidences of debt whatsoever to circulate as money, under a less denomination than fifty dollars; or shall go into operation until its charter shall have been submitted to the electors of this State, at least three months previous to a general election, by publication as the said legislature may direct, and have been adopted by a majority of the legal voters of the State; and said Legislature shall also have power to provide by law for the supervision of such Bank or Banks, or repeal of any such charters, any thing in the provisions of this constitution to the contrary notwithstanding."

And the question having been put on the adoption of said amendment.

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Baird, J. Allen Barber, Beall, Burchard, Cruson, Drake, French, Gibson, Giddings, Gillmore, Hazen, Hill, Kellogg, Tweedy, and Vineyard—15.

Those who voted in the negative were,

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Chamberlain, Horace Chase, Warren Chase, Clark, Clothier, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Dunning, Edgerton, Ellis, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, George B. Hall, James H. Hall, Hammond, Harkin, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, James, Janssen, Judd, Kern, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randall, Rankin, Reed, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, William R. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vliet, Wakeley, White, Whiteside, Willard, and Wilson—90.

Mr. Ryan moved further to amend the report of the committee of the whole, by adding the three following additional sections, to wit:

Sec. 7. No person or persons, corporation or institution whatever, shall under any pretence or authority whatever, make, sign or issue within this State, any paper money, or any bank note, promissory note, bill, order, check, certificate of deposite, or other evidence of debt whatever, intended to circulate as money.

8th. No corporation within this State, shall under any pretence or authority whatever, exercise the business of receiving deposits of money, making discounts, or buying or selling bills of exchange, or do any other banking business whatever.

9th. No branch or agency of any banks or banking corporation or institution of the United States, or of any person or persons doing banking business without this State, shall be established or maintained within this State.

Horace Chase called for a division of the question.

And the question having been put on the adoption of Section 7th of said amendment,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Beall, Bennett, Berry, Bevans, Bowker, Brace, Hiram Brown, Burnside, Chamberlain, Warren Chase, Clark, Clothier, Dennis, Dickinson,

Dunning, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, James H. Hall, Hammond. Harkin, Hicks, Holcomb, George Hyer, Inman, Kellogg, Lovell, Madden, Manahan, Noggle, Patch, Parkinson, Parsons, Pierce, Mr. President, Rankin, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, Wakeley, White, Whiteside, and Willard—60.

Those who voted in the negative were,

Messrs. Baird, Baker, J. Allen Barber, Boyd, Burchard, Burnett, Horace Chase, Cooper, Coxe, Crawford, Cruson, Doty, Drake, Edgerton, Ellis, French, Fuller, Gibson, Giddings, Gillmore, Gray, Hazen, Hesk, Hill, Heubschmann, Hunkins, Janssen, Judd, Kern, Asa Kinney, MaGone, Meeker, O'Connor, Parks, Prentiss, Randall, Reed, Steele, Topping, Tweedy, Vliet, and Wilson—42.

And the question having been put on the adoption of Sec. 8th of said amendment.

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Beall, Bennett, Berry, Bevans, Bowker, Brace, Charles E. Brown, Hiram Brown, Burnside, Chamberlain, Warren Chase, Clark, Dennis, Dickinson, Dunning, Goodell, Goodrich, Goodsell, Graham, Granger, Greene, George B. Hall, James H. Hall, Hammond, Harkin, Hicks, Holcomb, Hunkins, George Hyer, Inmann, Kellogg, Lovell, Madden, MaGone, Manahan, Meeker, Noggle, Patch, Parkinson, Parsons, Pierce, Mr. President, Rankin, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, Wakely, White, Whiteside, and Willard—63.

Those who voted in the negative were,

Messrs. Baird, Baker, J. Allen Barber, Boyd, Burchard, Burnett, Horace Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Doty, Drake, Edgerton, Ellis, French, Fuller, Gibson, Giddings, Gillmore, Gray, Hazen, Hesk, Hill, Heubschmann, Janssen, Judd, Kern, Asa Kinney, O'Connor, Parks, Prentiss, Randall, Reed, Steele, Topping, Tweedy, Vliet, and Wilson—40.

And the question having been put of the adoption of section 9 of said amendment.

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Beall, Bennett, Berry, Bevans, Bowker, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Chamberlain, Horace Chase, Warren Chase, Clark, Clothier, Crawford, Cruson, Dennis, Dickinson, Dunning, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, James H. Hall, Hammond, Harkin, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, Janssen, Judd, Kellogg, AsaKinney, Lovell, Madden, MaGone, Mannahan, Meeker, Noggle, O'Connor, Fatch, Parkinson, Parson, Pierce, Mr. President, Rankin, Ryan, Seaver, Randall, George B. Smith, A. Hyatt Smith, Sewell Smith, John Y. Smith, William R. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, Wakely, White, Whiteside, Willard and Wilson—77.

Those who voted in the negative were,

Messrs, Baird, Baker, J. Allen Barber, Boyd, Burchard, Cooper, Coxe, Doty, Drake, Edgerton, Ellis French, Gibson, Giddings, Gillmore, Gray, Hazen, Hesk, Hill, Kern, Parks, Prentiss, Reed, Topping, Tweedy and Vliet—26.

On motion of Moses M. Strong,

The Convention adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

A communication was received from the Treasurer of the Territory, in compliance with a resolution heretofore adopted, relative to funds in his hands, which was read, to wit:

TREASURER'S OFFICE,
MADISON, Oct. 19, 1846,

To the Hon. D. A. J. Upham.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution passed by a Convention over which you have the honor to preside, appropriating, and ordering me to pay over to yourself the sum of $897.16, being the balance remaining in my hands arising from the sale of Canal lands.

The money arising from said sale, has been by me deposited with Alexander Mitchell, Esq. of Milwaukee, for safe keeping, (the Legislature having in their prudent economy never furnished the Treas-

urer with an office, or even a safe, for the convenient transaction of business.) I have therefore deemed it prudent and safe to entrust the Territorial funds in the hands of such men as have heretofore been made depositories of the monies of the United States.

As soon as the money can be transmitted from Milwaukee to this place the appropriation to yourself by the Convention of $897.16, will be promptly paid.

I have the honor further to State that all money hereafter coming into my hands from the Canal funds will be subject to the further pleasure of the Convention.

All of which is most respectfully submitted.

J. LARKIN, Jr., Treasurer W. T.

The amendment of Mr. Beall, offered yesterday, to the report of the committee of the whole on Banks and Banking, was then taken up.

And the question having been put on the adoption of said amendment.

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, J. Allen Barber, Beall, Burchard, Clothier, Cruson, Doty, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Graham, Gray, Hazen, Hesk, Hill, O'Connor, Parks, Prentiss, George B. Smith, Steele, Tweedy, and Vineyard—26.

Those who voted in the negative, were,

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Chamberlain, Horace Chase, Warren Chase, Cooper, Cox, Crawford, Dennis, Dickinson, Dunning, Fuller, Goodell, Goodrich, Goodsell, Granger, Green, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hicks, Holcomb, Huebschmann, Hunkins, Geo. Hyer, Inman, James, Janssen, Judd, Kellogg, Kern, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Mr. President, Reed, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vliet, Wakeley, White, Whiteside, Willard and Wilson—76.

Mr. Tweedy moved to amend the report of the committee of the whole, by striking out all after the word "Article," and inserting the following:

Sec. 1. The legislature shall have no power to pass an act granting special charters for banking purposes, but associations may be formed for such purposes under general laws.

Sec. 2. Every such law before it takes effect, shall after it has passed through the usual forms of legislation, on the final passage of which the votes shall be taken by ayes and noes which shall be recorded, be published in ———— weekly newspapers printed in different sections of the State for thirteen weeks successively, next preceding the next general election, and shall then be submitted to a vote of the electors at such election, and shall be approved by a majority of the votes cast at such election, to be made to appear by a return and canvass of such votes made in the same manner as shall be provided for the returns and canvass of votes cast at the general election of State officers by the people, and such law shall be subject to be altered or repealed in the same manner as the same shall have been enacted, and in no other manner whatever.

Sec. 3. The stockholders in every corporation and joint stock association, for banking purposes, issuing bank notes, or any kind of paper credits, to circulate as money shall be individually responsible to the amount of their respective shares of stock in any such corporation or association for all its debts and liabilities of every kind.

Sec. 4. The Legislature shall provide by law for the registry of all bills and notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Sec. 5. In case of the insolvency of any bank or banking association, the bill holders thereof, sha l be entitled to preference in payment over all other creditors of such banking association.

Sec. 6. The Legislature shall limit the aggregate amount of bank notes to be issued by any association in this State which may be established.

Mr. Randall moved to 'ay the report of the committee and the amendments on the tab e, and that they be printed.

Which was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Baird, J. Allen Barber, Beall, Burchard, Clothier, Cooper, Crawford, Cruson, Doty, Drake, Dunning, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Gray, Hazen, Hesk, Hill, Heubschmann, Hunkins, Asa Kinney, O'Connor, Parks, Prentiss, Randall, Reed Steele, Tweedy, Vineyard and Wilson—33.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Chamberlain, Horace Chase, Warren Chase, Coxe, Dennis, Dickinson, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, Hammond, Harkin, Hicks,

Holcomb, George Hyer, Inman, James, Janssen, Judd, Kellogg, Kern, Lovell, Madden, Magone, Manahan, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Phelps Pierce, Mr. President, Ryan, Seaver, A. Hyatt Smith, Georgq B. Smith Sewell Smith, John Y. Smith, Wm. R. Smith, Soaper, Marshall M. Strong, Moses M. Strong, Toland, Topping Vliet Wakeley, White, Whiteside and Willard—70.

The question was then put on the adoption of the said amendment,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Mossrs. Baird, J. Allen Barber, Reall, Burchard, Clothier, Cruson, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Gray, Hazen, Hill, O'Connor, Parks, Prentiss, Steele and Tweedy—21.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Horace Chase, Warren Chase, Cooper, Cox, Crawford, Dennis, Dickinson, Doty, Dunning, Fuller, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, Jas. H. Hall, Hammond, Harkin, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, James, Janssen, Judd, Kellogg, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Mr. President, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Soaper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vineyard, Vliet, Wakely, White, Whiteside, Willard and Wilson—80.

Mr. Hicks moved to amend the report of the committee by inserting the following as a substitute therefor, to wit:

SECTION . The legislature shall have no power to confer in any manner or form, upon any person or persons, corporation or institution, of any kind, any banking power or privilege; nor any power or authority in any manner or form, to make, sign, or issue within this State, any paper money, bank note, bill, order, check, certificate of deposite, or any other evidence of debt, intended to circulate as money.

SEC. . No person or persons, corporation or institution, or any officer or agent of any corporation or institution of any kind, shall ever make, sign, issue, pay, give or receive in payment, any paper money, bank note, promissory note, certificate of deposite, or other evidence of debt, intended to circulate as money, which shall purport to have been issued either within or out of this State. The legislature shall, at its first session after the adoption of this constitution, provide adequate penalties by fine and imprisonment, for carrying into effect the provisions of this article.

Marshall M. Strong demanded the previous question; which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnside, Chamberlain, Warren Chase, Cox, Crawford, Cruson, Dennis, Dickinson, Doty, Dunning, Edgerton, French, Fuller, Gillmore, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, James H. Hall, Hammond, Harkin, Hesk, Huebschmann, Hunkins, George Hyer, Inman, James, Janssen, Judd, Kellogg, Kern, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soaper, Steele, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vliet, Wakeley, White, Whiteside, Willard and Wilson—79.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Beall, Burchard, Burnett, Horace Chase, Clothier, Cooper, Drake, Ellis, Gibson, Giddings, Gray, Hazen, Hicks, Hill, Holcomb, O'Connor, Parks, Prentiss, Randall, Reed, Tweedy and Vineyard—24.

The chair stated the question to be on the adoption of the report of the committee of the whole, as amended.

Mr. Magone appealed from the decision of the chair.

And the question having been put,

"Shall the decision of the chair stand as the judgment of the convention?"

It was decided in the affirmative.

The question was then put on the adoption of the report of the committee of the whole, as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Bennett, Burnside, Chamberlain, Horace Chase, Warren Chase, Cox, Crawford, Dennis, Dickinson, Doty, Dunning, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, George B. Hall, James H. Hall, Hammond, Harkin, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, James, Janssen, Kel-

logg, Kern, Asa Kinney, Madden, Magone, Manahan, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soaper, Marshall M. Strong, Toland, Topping, Vliet, Wakeley, White, Whiteside, Willard and Wilson—76.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Burchard, Clothier, Cooper, Cruson, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Gray, Hazen, Hill, Judd, Lovell, O'Connor, Parks, Prentiss, Randall, Reed, Steele, Moses M. Strong Tweedy and Vineyard—27.

Mr. Judd moved that said report be referred to a committee consisting of Messrs. Ryan, Gibson, Phelps, Sewall Smith, and Soaper, with instructions "to report the same back with the provisions contained in it in the simplest language they can adopt."

Which was decided in the affirmative.

On motion,

The convention adjourned.

SATURDAY, October 17th, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

George Hyer moved that leave of absence be granted to Mr. Rankin.

Leave was granted.

Mr. Brace moved to admit Mr. Hayes to a seat in this convention as a member from the county of LaPointe,

Which was agreed to.

Mr. Noggle, from the committee on corporations other than banking and municipal, reported

No. 7. "Article on corporations other than banking and municipal."

The committee on corporations other than banking and municipal, have had under consideration the subject referred to them, and have the honor to report and recommend the adoption of the following

ARTICLE

ON CORPORATIONS OTHER THAN BANKING AND MUNICIPAL.

1. The legislature shall hereafter have power to create, renew, extend, or repeal any private corporation within this State.

2. The stockholders of any private corporation hereafter created, renewed, extended or repealed, shall be jointly and severally liable as well in their individual as corporate capacity for all debts they may in any manner contract; and shall be subject to such other liability and restrictions as shall from time to time be provided by law.

3. This State shall not directly or indirectly become a stockholder in any corporation whatever.

4. Hereafter every act of incorporation enacted by the legislature, shall embrace but one object or act of incorporation and that shall be expressed in the title.

All of which is respectfully submitted.

DAVID NOGGLE, Ch'n.,
NEELY GRAY,
A. W. RANDALL,
JULIUS KERN,
S. P. HAMMOND.

The report of the committee was accepted and the committee discharged from the further consideration of the subject.

The said report was then read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Ryan, from the committee to whom was referred article No. 1. "On banks and banking, reported the same back to the convention; which report was accepted.

Mr. Tweedy moved that said report, together with the original referred to said committee, be printed, and made the special order of the day for Monday next.

Which was agreed to.

Mr. Dennis introduced the following preamble and resolution which was read, to wit:

Whereas the Legislative Assembly of this Territory did by a resolution entitled "Joint resolution in relation to canal funds," approved February 3rd, 1846, direct the receiver of the canal lands to pay over to the treasurer of the Territory all moneys arising from any sale of the canal lands, except the sum required to defray the expenses of the sale, and whereas said resolution appropriated so much of the money so received as should be necessary to the payment of the expenses of holding this convention, to be paid out in such manner as the conven-

tion should provide; and whereas the said treasurer has reported to this convention that he has now in his hands the sum of eight hundred and ninety-seven dollars and sixteen cents, of the moneys thus appropriated, now therefore be it

Resolved that the said treasurer be and he is hereby directed to pay over to the President of this convention the said sum of eight hundred and ninety-seven dollars and 16 cents to be applied towards the payment of the expenses of this convention, and the said treasurer is further directed and required forthwith to receive all moneys subject to his order arising from the sale of said lands, and to retain the same subject to the further order of this convention.

And on motion, the rule having been suspended for that purpose,

Said preamble and resolution was taken up and adopted.

Mr. Burnett introduced the following resolution, which was read, to wit:

Resolved, That the superintendent of territorial property be and he is hereby directed to let down the upper sash of the windows of the hall of the convention sufficiently low for a proper and healthy ventilation of the room.

Marshall M. Strong moved to amend said resolution by inserting the following as a substitute therefor;

Which amendment was accepted by Mr. Burnett as a substitute for his resolution, to wit:

"Resolved, That the superintendent of territorial property be requested to change the construction of the windows of the hall of the convention in such manner that the same may be opened at the top; and that the sergeant-at-arms of this convention be instructed to keep all the windows of said hall open both at the upper and lower part for one hour each day, from 7 o'clock A. M., and for one half hour at noon, immediately after the adjournment of the convention at noon, and for one half hour immediately upon the adjournment of the convention in the afternoon session."

The said resolution was then adopted.

Mr. Willard introduced the following resolution, which was read, to wit:

"Resolved, That this convention enact a clause in the constitution prohibiting the collection by law of all debts of less denomination than fifty dollars, and abolishing the justice's court."

The business first in order, being article

No. 2. "Article on suffrage and the elective franchise,"

Was then taken up.

Mr. Magone moved that the said article be postponed and made the special order of the day for Wednesday next.

And pending the question on said motion,

On motion of James H. Hall,

The convention adjourned.

MONDAY, OCT. 19, 1846.

Prayer by the Rev. Mr. Lord.

The journal of Saturday was read and corrected.

Mr. Noggle presented the credentials of John Hackett, of the county of Rock.

Mr. Burnett presented those of Daniel Burt, of the county of Grant, and Mrr Lovell those of James B. Carter of the county of Racine, as members of this convention, who were severally admitted to their seats.

Mr. Burchard, from the minority of the committee on sufirage and the elective franchise, reported

No. 2. "Article on election and suffrage."

The minority of the committee on suffrage and elective franchise, respectfully reports to this convention, and recommends to be adopted into this constitution of this State, the following

ARTICLE:

SECTION 1. Every male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, or who shall have filed an oath to support the constitution of the United States, in the clerk's office of a district court, shall be entitled to vote at any general election, for all officers created by this constitution, or established by the legislature under this constitution to be elected by the electors of this State: Provided, That he shall have been a resident of this State for six months, and of the county for one month previous to such election.

SEC. 2. All votes shall be given by ballot, and under such regulations as the legislature shall establish.

SEC. 3. On the day of such general election, all electors shall be exempted from any public duty, except in time of public danger, and

privileged from arrest during attendance at, and going to and from such election, except for breach of peace, felony or treason.

SEC. 4. No person shall be deemed to have lost his residence by reason of absence on business of the United States or of this State.

SEC. 5. No soldier, seaman, or mariner in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

CHARLES BURCHARD.

The report of the committee was accepted.

Said article was then read the first and second time, referred to the committee of the whole and ordered printed.

Mr. Lovell, from the committee on amendments to the constitution, reported,

No. 8. "Article on amendments and revisions."

The committee to whom was referred the subject of amendments to the constitution, have had the same under consideration, and recommend the adoption of the following article:

ARTICLE

ON AMENDMENTS AND REVISION.

1. Any amendment or amendments to this constitution may be proposed in either house of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon; and shall be published for three months previous to the next annual election; and it shall be the duty of the legislature to submit such amendment or amendments to the people, at the next annual election, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution. Provided, That if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against each amendment separately and distinctly.

2. Every tenth year after this constitution shall have taken effect, it shall be the duty of the legislature to submit to the people at the next annual election, the question whether they are in favor of calling a convention to revise the constitution or not: and if a majority of the qualified electors voting thereon shall have voted in favor of a convention, the legislature shall at its next session provide by law for holding a convention, to be holden within six months thereafter: and such

convention shall consist of a number of members not less than that of the House of Representatives, nor more than that of both houses of the legislature.

All of which is respectfully submitted.

F. S. LOVELL, Chairman.

The report of the committee was accepted.

Said article was then read the first and second time, referred to the committee of the whole and ordered to be printed.

Marshall M. Strong introduced the following resolution:

"Resolved, That the 6th standing rule of the convention be rescinded, and that the following rule be substituted in its stead, to wit:

The previous question shall be in this form, "Shall the main question be now put"? It shall only be admitted when demanded by a majority of the members present; and its effects shall be to put an end to all debate, and bring the Convention to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the convention shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question. On a previous question there shall be no debate. All incidental questions of order after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise without debate."

The following resolution was then taken up and adopted, to wit:

"Resolved, That the committee upon miscellaneous provisions not embraced in subjects committed to other committees, be instructed to consider and report whether or not it is expedient to incorporate a clause in the Constitution exempting real estate from sale upon execution, and also whether or not a clause be incorporated providing for the better protection of the rights of married women in their property, and if in their opinion the incorporation of such clause be expedient that they be directed to report proper articles for that purpose.

JAMES H. HALL, of Racine.

The following resolution was then taken up and adopted, to wit:

"Resolved, That one hundred and fifty copies of the late act of Congress, providing for the admission of Wisconsin into the Union, be printed for the use of the members of this Convention."

The following resolution was then taken up,

And on motion of Mr. Parkinson,

Was referred to the Committee on taxation and the public debt, to wit:

Resolved, That the Legislature shall have no power to pass any law authorizing the granting of License for the sale of spirituous liquors in this State."

The following resolution, introduced by Mr. Willard, was taken up.

And on his motion,

Was referred to the Select Committee on the collection of debts, to wit,

"Resolved, That this Convention enact a clause in the Constitution, prohibiting the collection by law of all debts of less denomination than fifty dollars, and abolishing the Justices Court."

The following resolution was then taken up, to wit:

"Resolved, That there shall be paid to the printers at Madison, who furnish newspaper to the members of this Convention, under the resolution adopted by the Convention, six cents apiece for such papers and for reporting and publishing therein the proceedings of this Convention."

Moses M. Strong moved to amend said resulution, by striking out the word "six," and inserting the word "eight."

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were ayes 15, noes not counted.

The said resolution was then adopted.

Mr. Fuller introduced the following resolution, which was read, to wit:

Resolved, That the Committee on miscellaneous provisions, be instructed to enquire into the expediency of providing in the Constitution an article forbiding the existence of any lottery, or the vending of any lottery tickets within this State, and also that they be instructed to enquire into the propriety of adopting an article in the Constitution prohibiting any license from being granted for the sale of spirituous liquors, or for the exhibition of any jugglers, mountebanks, or wire dancers in this State."

Mr. Phelps introduced the following resolution, which was read, to wit:

Whereas, the Treasurer of the Territory, reports that he has paid out of the monies received from the Canal fund the sum of $10,338.-99, for "Territorial bonds, script, Auditors warrants, and other Territorial indebtedness,"

Therefore be it resolved, That a committee of five be appointed by the President to examine the aforesaid "bonds, script, warrants and other indebtedness," and report to this Convention the amount in Ter-

ritorial bonds, script, Auditors warrants and other Territorial indebtness, severally.

On motion of Mr. Phelps, the rule requiring resolutions to lay upon the table one day before being acted upon by this Convention, was suspended in relation to the aforesaid resolution; which was then taken up and adopted.

The President announced the appointment of the following committee under said resolution, to wit:

Messrs. Phelps, Dennis, John Y. Smith, Warren Chase and Coxe.

The regular order of business, it being

No. 1. "Article on banks and banking," was taken up, when

Mr. Hunkins moved to amend the sixth section thereof as reported by the committee, by striking out the following words, "or of any denomination less than fifty dollars after the year 1849."

And the question having been taken,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Baird, Baker, J. Allen Barber, Bell, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnett, Horace Chose, Clothier, Cooper, Crawford, Cruson, Drake, Edgerton, Ellis, Fuller, Gibson, Giddings, Gillmore, Goodsell, Hazen, Hesk, Hicks, Hill, Huebschmann, Hunkins, Kellogg, Asa Kinney, Magone, Meeker, Moore, Parks, Prentiss, Mr. President, Randall, Reed, Seaver, Wm. R. Smith, Topping, Tweedy, Vliet and Wakeley—46.

Those who voted in the negative, were,

Messrs. Atwood, Hiram Barber, Beall, Bennett, Berry, Bevans, Bowen, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Clark, Cox, Dennis, Dickinson, Doty, Dunning, Fitzgerald, French, Goodell, Goodrich, Graham, Granger, Gray, Green, Hackett, Geo. B. Hall, Hammond, Harkin, Hays, Holcomb, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Kern, Lovell, Madden, Noggle, O'Connor, Patch, Parkinson, Parsons, Phelps, Pierce, Ryan, A. Hyatt Smith, George E. Smith, Sewell Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, White, Whiteside, Willard and Wilson—60.

Warren Chase moved to amend by striking out the word "fifty," and inserting the word "twenty," in the sixth section of said article.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Baker, J. Allen Barber, Bell, Berry, Bevans, Boyd, Brace, C. E. Brown, Burchard, Burnett, Burt, H. Chase, W. Chase Clothier, Cooper, Coxe, Crawford, Cruson, Doty, Drake, Edgerton,

Ellis, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodsell, Hammond, Hazen, Hesk, Heubschmann, Hunkins, George Hyer, Nathaniel F. Hyer, James, Janssen, Kellogg, Kern, Asa Kinney, Meeker, Moore, O'Connor, Parks, Pierce, Prentiss, Mr. President, Randell, Reed, Seaver, Sewell Smith, William R. Smith, Toland, Topping, Tweedy, Vliet, Wakely, and Wilson—60.

Those who voted in the negative were,

Messrs. Agry, Atwood, Hiram Barber, Beall, Bennett, Bowen, Bowker, Hiram Brown, Burnside, Carter, Chamberlain, Clarke, Dennis, Dickinson, Dunning, Goodrich, Graham, Granger, Gray, Green, Hackett, George B. Hall, Harkin, Hays, Hicks, Hill, Holcomb, Inman, Lovell, Madden, Noggle, Patch, Parkinson, Parsons, Phelps, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Vineyard, White, Whiteside and Willard—45.

Mr. Moses M. Strong moved to amend said section by adding the words, "after the year 1851, of any denomination less than fifty dollars."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Beall, Bell, Bennett, Bevens, Bowen, Hiram Brown, Burnside, Carter, Chamberlain, Clark, Dennis, Dickinson, Dunning, Goodrich, Goodsell, Graham, Granger, Gray, Green, Harkin, Hays, Hicks, Holcomb, George Hyer, Inman, James, Janssen, Kern, Lovell, Madden, Noggle, Patch, Parkinson, Parsons, Phelps, Ryan, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, White, Whiteside, Willard and Wilson—52.

Those who voted in the negative were,

Messrs. Baird, Baker, J. Allen Barber, Berry, Boyd, Brace, Charles E. Brown, Burchard, Burnett, Burt, Horace Chase, Warren Chase, Clothier, Cooper, Coxe, Crawford, Crosen, Doty, Drake, Edgerton, Ellis, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Hackett, George B. Hall, Hammond, Hazen, Hesk, Hill, Heubschmann, Hunkins, Nathaniel F. Hyer, Kellogg, Asa Kinney, MaGene, Meeker, Moore, O'Connor, Parks, Pierce, Prentiss, Mr. President, Randall, Reed, Seaver, William R. Smith, Toland, Topping, Tweedy, Vliet, and Wakely—55.

Mr. Marshall M. Strong moved to amend by striking out all after the word "State," where it first occurs in the second line of the fifth section, to the word "shall," in the third line of the same section.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Bell, Bennet, Berry, Bevens, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Burnside, Burt, Carter, Horace Chase, Warren Chase, Clark, Clothier, Cooper, Cruson, Dennis, Dickinson, Edgerton, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Gray, Green, Hackett, George B. Hall, Hammond, Harkin, Hays, Hazen, Hill, Holcomb, Hochschmann, Hunkins, Nathaniel F. Hyer, Inmann, James, Janssen, Kellogg, Kern, Asa Kinney, Lovell, Madden, McGone, Meeker, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Topping, Tweedy, Vliet, Wakeley, White, Willard and Wilson—82.

Those who voted in the negative, were,

Messrs. Baird, Beall, Hiram Brown, Burchard, Burnett, Core, Crawford, Doty, Dunning, Ellis, French, Graham, Hesk, Hicks, George Hyer, George B. Smith, William R. Smith and Toland—18.

Moses M. Strong moved to strike out the words "after the year 1847," where they occur, and insert the same words after the words "within this State," in the first line. And also to strike out the words "after the year 1849," where they occur, and insert the same after the word "or."

And the question having been put,

It was decided in the affirmative.

Mr. Kellogg moved that the Convention adjourn.

Which was disagreed to.

And a division having been called for,

There were 47 in the affirmative, and 49 in the negative.

Mr. Hicks moved to amend by striking out all after the word "States," in the third line of the sixth section.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Beall, Bevans, Burnside, Clark, Crawford, Doty, Drake, Dunning, Goodrich, Graham, Gray, Hays, Hicks, Holcomb, George Hyer, Lovell, Madden, O'Connor, Parkinson, Phelps, Ryan, John Y. Smith, Moses M. Strong, Vineyard, and Whiteside—27.

Those who voted in the negative, were

Messrs. Agry, Baird, Baker, Hiram Barber, J. Allen Barber, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnett, Burt, Carter, Chamberlain, Horace Chase, Warren Chase, Clothier, Cooper, Coxe, Cruson, Dennis, Dickinson, Edgerton, Ellis, French. Fuller, Gibson, Giddings, Gillmore, Goodell, Goodsell, Granger, Green, Hackett, Hammond, Harkin, Hazen, Hesk, Hill, Heubschmann, Hunkins, N. F. Hyer, Inman, James, Janssen, Kellogg, Kern, Asa Kinney, MaGone, Meeker, Moore, Noggle, Patch, Parks, Parsons, Pierce, Prentiss, Mr. President, Randall, Reed, Seaver, A. Hyatt Smith. George B. Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely, White, Willard and Wilson—79.

The President laid before the Convention a Report of the Treasurer of the Territory, in answer to a resolution passed on Saturday last which was read, to wit:

TREASURER'S OFFICE,
MADISON, Oct. 19, 1846,

To the Hon. D. A. J. Upham.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution passed by a Convention over which you have the honor to preside, appropriating, and ordering me to pay over to yourself the sum of $897.16, being the balance remaining in my hands arising from the sale of Canal lands.

The money arising from said sale, has been by me deposited with Alexander Mitchell, Esq. of Milwaukee, for safe keeping, (the Legislature having in their prudent economy never furnished the Treasurer with an office, or even a safe, for the convenient transaction of business.) I have therefore deemed it prudent and safe to entrust the Territorial funds in the hands of such men as have heretofore been made depositories of the monies of the United States.

As soon as the money can be transmitted from Milwaukee to this place the appropriation to yourself by the Convention of $897.16, will be promptly paid.

I have the honor further to State that all money hereafter coming into my hands from the Canal funds will be subject to the further pleasure of the Convention.

All of which, is most respectfully submitted.

J. LARKIN, JR., Treasurer W. T.

On motion of Asa Kinney,

The Convention adjourned until 2 o'clock P. M.

Two O'clock, P. M.

Marshall M. Strong moved to suspend the rules, for the purpose of considering the resolution in relation to the sixth standing rule offered by him.

Which was agreed to.

Said resolution was then taken up, and adopted.

Mr. Burchard moved to amend No. 1 "Article on Banks and Banking," by striking out the sixth section thereof.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were .

Messrs. Baird, Boyd, Burchard, Burnett, Burt, Horace Chase, Clothier, Cooper, Crawford, Cruson, Drake, Edgerton, Ellis, French, Gibson, Giddings, Hackett, Hazen, Hill, Heubschmann, Asa Kinney, Magone, Moore, O'Connor, Parks, Pierce, Prentiss, Randall, Seaver, and Tweedy—30.

Those who voted in the negative, were

Messrs. Atwood, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Brace, Charles E. Brown, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Cox, Dennis, Dickinson, Doty, Dunning, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, George B. Hall, Hammond, Harkin, Hays, Hesk, Hicks, Holcomb, George Hyer, N. F. Hyer, Inman, James, Janssen, Kellogg, Kern, Lovell, Madden, Meeker, Noggle, Patch, Parkinson, Parsons, Mr. President. Reed, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soaper, Marshall M. Strong, Moses M. Strong, Toland, Vliet, Wakeley, White, Whiteside, Willard and Wilson—68.

Geo. B. Smith moved further to amend, by adding the following section, to wit:

Sec. 8. Whenever two thirds of the members of the legislature of this State deem it necessary to amend or alter this article, they may recommend to the electors of this State the proposed amendment or alteration, shall be distinctly and fully published in six weekly newspapers published in different sections of the State for six months immediately previous to any general election. And if a majority of the electors at said election shall vote to accept the proposed amendment or alteration, as shall be made to appear at the proper office appointed by law to canvass the votes for members of Congress, then this article

shall be so amended or altered, and such alteration or amendment shall be considered of as binding effect as any provision of this Constitution."

Moses M. Strong demanded the previous question, which was sustained.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The President decided that under the new rule adopted, the previous question would be on the pending amendment,

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, J. Allen Barber, Beall, Burchard, Burt, Doty, Ellis, Gibson, Giddings, Gray, Hazen, Hesk, Hill, O'Connor, Prentiss, George B. Smith, and Tweedy—17.

Those who voted in the negative were,

Messrs. Agry, Atwood, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Carter, Chamberlain, Horace Chase, Warren Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Drake, Dunning, Edgerton, French, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Greene, Hackett, George B. Hall, Hammond, Harkin, Hays, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inmann, James, Janssen, Kellogg, Kern, Asa Kinney, Lovell, Madden, MaGone, Meeker, Moore, Noggle, Patch, Parkinson, Parks, Parsons, Phelps, Pierce, Mr. President, Randall, Reed, Ryan, A. Hyatt Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tuland, Vineyard, Vliet, Wakely, White, Whiteside, Willard and Wilson—84.

The question then recurred on the adoption of the report of the committee as amended.

And having been put,

Was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, J. A. Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Carter, Chamberlain, Horace Chase, Warren Chase, Clothier, Cox, Cruson, Dennis, Dickinson, Doty, Dunning, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Hackett, George B. Hall, Hammond, Harkin, Hays, Hesk, Holcomb, Huebschmann, George Hyer, N. F. Hyer, Inman,

James, Janssen, Kellogg, Kern, Asa Kinney, Lovell, Madden, Magone, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Mr. President, Reed, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Souper, Marshall M. Strong, Moses M. Strong, Toland, Vliet, Wakeley, White, Whiteside, Willard and Wilson—72.

Those who voted in the negative, were

Messrs. Baird, Beall, Burchard, Burt, Cooper, Crawford, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gray, Hazen, Hicks, Hill, Hunkins, O'Connor, Parks, Prentiss, Randall, Tweedy and Vineyard—23.

The question was then put on ordering the said article to be engrossed for its third reading.

And was decided in the affirmative.

Mr. Ryan introduced the following resolution, which was read, to wit:

"Resolved, That the rules for the Government of this convention as now adopted, be referred to a select committee of five, with instructions to revise and arrange the same, and report the same to the convention."

On motion, the rule having been first suspended for that purpose,

The said resolution was taken up and adopted.

The Chair announced the appointment of the following committee under said resolution, to wit:

Messrs. Moses M. Strong, Marshall M. Strong, Burnett, Baker and Randall.

Mr. Randall by leave introduced the following resolution, which was read, to wit:

"Resolved, That the Secretary of this convention be authorized to employ such assistants as may be necessary to do the business of the convention."

When Mr. Dennis moved to amend the same as follows, by striking out all after the word "resolved" and inserting that the convention do now proceed to elect by ballot a second assistant Secretary of this convention."

And the rule having been first suspended for that purpose,

The question was then put on adopting the said amendment,

And was decided in the negative.

The question then recurred on the adoption of the resolution,

And having been put,

It was decided in the affirmative.

Moses M. Strong moved that the Convention resolve itself into committee of the whole for the further consideration of,

No. 2. "Article on Suffrage and the Elective Franchise."

And pending the question on said motion,

On motion of Mr. Hunkins,

The convention adjourned.

TUESDAY, October 20th, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Hunkins from the committee on engrossment, reported.

No. 1. "Article on banks and banking," as correctly engrossed.

Mr. Crawford, from the select committee to which had been referred the "Resolution relative to abolishing all laws for the collection of debts," reported,

No. 9. "Article on collection of debts."

The committee to whom was referred the resolution to abolish all laws for the collection of debts, after taking the subject into consideration, beg leave to report the following

ARTICLE.

Sec. 1 There shall be no law imposed within this State for the collection of any debts of a less amount than one hundred dollars contracted within this State after the adoption of this constitution.

Sec. 2. The Legislature shall have no power to enact any law for the collection of debts contracted within this State of a less amount than one hundred dollars after the adoption of this Constitution.

JOHN CRAWFORD,
Chairman Select Committee.

The said report was accepted and the committee discharged.

The report was read the first and second times and referred to the committee of the whole,

And on motion, ordered to be printed.

Mr. Goodell introduced the following resolution which was read, to wit:

"Resolved, That the committee on miscellaneous provisions not

embraced in the subjects committed to other committees, be requested to introduce a provision to be incorporated in the Constitution, forever prohibiting imprisonment for debt."

Moses M. Strong introduced the following resolution, which was read, to wit:

"Resolved, That all debate in committee of the whole on the majority and minority reports (No. 2) on suffrage and elective franchise, shall cease, on Thursday morning the 22nd October instant, at eleven o'clock (if the committee shall not sooner come to a conclusion on the same) and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the convention with such amendments as may have been agreed to by the committee."

Mr. W. Chase introduced the following resolution, which was read, to wit:

"Resolved, That the committee on expenses of this convention, be instructed to ascertain and report the amount due the members of this convention for mileages to and from this place."

Mr. Cruson introduced the following resolution, which was read, to wit:

"Resolved, That the committee on education, schools and school funds, be instructed to enquire into the expediency of engrafting a provision in the constitution, making it imperative on the Legislature to provide the necessary means, by taxation or otherwise, for placing a common school education within the reach of all the children of the State."

Mr. James introduced the following resolution, which was read, to wit:

"Resolved, That no person or persons shall ever be permitted to purchase or own any real estate within this State, who are not capable of becoming citizens of the United States."

The resolution relative to granting licenses for the sale of spirituous liquors and exhibitions, introduced on yesterday, was taken up, and

On motion of Mr. Fuller,

It was referred to the committee on miscellaneous provisions.

No. 1. "Article on Banks and Banking," was then taken up and read the third time, when,

Mr. Prentiss moved to commit the same to a select committee of five, with instructions to report the following article as a substitute, to wit:

ARTICLE.

Sec. 1. The Legislature shall not, for five years from and after the establishment of this constitution, be permitted to incorporate or au-

thorize in any manner or form, any Bank or other institution having any banking power or privilege, or to confer upon any person or persons any special banking power or privileges. Nor shall the Legislature at any time hereafter, be permitted to incorporate, or authorize in any manner or form any Bank or institution having any banking power or privileges, or to confer upon any person or persons any special banking power or privilege, except by a vote of two thirds of each branch of the Legislature, and unless such person or persons, such Bank or other institution, shall give good and sufficient security to the State, to be approved by the Governor, for the ultimate discharge of all their liabilities, and unless the members of such Bank or other institution shall be made liable, individually, for the debts of such Bank or other institution. Nor shall any corporation or institution exercise any banking power whatever, unless authorized by the Legislature as aforesaid."

And the question having been put,

It was decided in the negative.

Pending the question on the passage of the said article.

Mr. Magone moved a call of the Convention,

Which was ordered, and Messrs. Barnes Babcock, Chamberlain, Dunning, Fitzgerald, Hunkins, Jenkins, Judd, Mills, Phelps, Rankin, Rogan, Steele, Topping, Turner, Vineyard, Whiteside and Wilson, reported absent.

On motion, the following named gentlemen were excused from their attendance, to wit:

Messrs, Barnes Babcock, Chamberlain, Dunning, Fitzgerald, Jenkins, Judd, Mills, Phelps, Steele, Topping and Turner.

Marshall M. Strong moved that all further proceedings under the call be dispensed with,

Which was disagreed to.

Moses M. Strong moved that all further proceedings under the call be dispensed with, two of the absentees having appeared in their seats.

And the question having been put

It was decided in the negative.

And a division having been called for.

There were 27 in the affirmative, and 53 in the negative.

Mr. Magone moved that all further proceedings under the call be dispensed with,

Which was agreed to.

The question then recurred on the passage of

No. 1. "Article on Banks and Banking,"

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Carter, Horace Chase, Warren Chase, Clark, Clothier, Cone, Crawford, Dennis, Dickinson, Doty, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Hackett, George S. Hall, Hammond, Hankin, Hayes, Hesk, Hicks, Holcomb, Hochschmann, George Hyer, N. F. Hyer, Inman, James, Janssen, Kellogg, Kern, Asa Kinney, Lovell, Madden, McGene, Mannsbon, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Pierce, Mr. President, Reed, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Vliet, Wakely, White, Willard and Wilson—80.

Those who voted in the negative were,

Messrs. Baird, J. Allen Barber, Beall, Burchard, Burt, Cooper, Crusen, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Gray, Hazen, Hill, Hunkins, Judd, O'Connor, Parks, Prentiss, Randall and Tweedy—24.

So the article passed, and the title thereof was agreed to.

On motion, the convention resolved itself into committee of the whole, for the consideration of the majority and minority reports.

No. 2. "Article of suffrage and the elective franchise."

Mr. Baird in the Chair.

And after some time spent therein, the committee rose and reported progress thereon and asked leave to sit again.

Leave was granted.

On motion of Moses M. Strong.

The Convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole, for the further consideration of the majority and minority reports on suffrage and the elective franchise.

Mr. Baird in the chair.

And after sometime spent therein, the committee rose and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

Mr. Tweedy moved that the first section of said article, as amended, be written out in a legible hand by the Secretary,

Which was agreed to.

On motion of N. F. Hyer,

The Convention adjourned.

Wednesday, October 21, 1846.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows:

By Mr. Burchard,

A petition of 85 inhabitants of Waukesha County, asking that a provision be adopted in the Constitution allowing all persons to enjoy the elective franchise, without distinction of color, which, on his motion;

Was referred to the committee of the whole.

By Mr. Fuller,

A petition of the citizens of Wisconsin Territory, asking to have a provision engrafted in the Constitution, exempting from execution, a certain amount of property.

Also,

A petition of the citizens of the county of Dane, on the same subject which,

On his motion, were referred to the committee on miscellaneous provisions not embraced in the subjects committed to other committees.

Marshall M. Strong, asked that leave of absence be granted to Mr. Dickinson.

Leave was granted.

Moses M. Strong, from the select committee, to whom had been referred the rules for the government of this convention, to revise and correct,

Reported, the same back to the convention with amendments.

The said report was then accepted, and the committee discharged from the further consideration of the subject.

Marshall M. Strong moved to amend the report, so that the morning hour of meeting be 10 o'clock.

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 15 in the affirmative, negative not counted.

Moses M. Strong moved that the rules as reported be adopted, and that 200 copies be printed in pamphlet form, and in connection therewith, a list of the standing committees, the names of the members of the convention, their residence and boarding house.

Which was agreed to.

Marshall M. Strong, from the committee on the constitution and organization of the Legislature, reported

No. 10. "Article on the constitution and organization of the legislature."

The committee on the constitution and organization of the legislature report the following

ARTICLE.

Sec. 1. The Legislative power shall be vested in a Senate and House of representatives.

Sec. 2. The number of members of the House of representatives until otherwise provided shall be 45, which number shall never be diminished, but may be increased by law to any number not greater than 100; the Senate shall at all times equal in number as nearly as may be one third of the number of the members of the House of Representatives.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of this State in the year 1855, and at the end of every ten years thereafter, and may also provide for such enumeration in

the year 1848: and at their first session after each enumeration so made as aforesaid, and also after each enumeration made by the authority of the United States, the Legislature shall apportion anew the representatives and senators, among the several districts, according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy.

Sec. 4. The State shall be divided by the Legislature at its first session after each new apportionment, into as many representative districts as there shall be representatives to be elected, and also into as many senate districts as there shall be senators to be elected: such districts shall be composed of contiguous territory.

Sec. 5. The Representatives shall be chosen annually on the day of the general election, by the qualified electors of the several districts; the Senators shall be chosen biennally for two years, at the same time and in the same manner as the representatives are required to be chosen.

Sec. 6. Senators and Representatives shall be qualified electors in the respective districts which they represent, and shall have resided at least one year in the State.

Sec. 7. No person holding any office under the United States, Postmasters excepted, shall be eligible to either house of the legislature.

Sec. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide. Each house shall choose its own officers.

Sec. 9. Each house shall determine the rules of its proceedings, and judge of the qualifications, elections and returns of its own members; may punish contempts, and its members for disorderly behavior; and may, with the concurrence of two thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

Sec. 10. Senators and representatives shall in all cases except treason, felony and breach of the peace, be privileged from arrest: nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

Sec. 11. The legislature shall meet at the seat of Government on the second Thursday of January in every year, and at no other period, unless otherwise directed by law or provided for in this Constitution.

Sec. 12. The Governor shall issue writs of election to fill such

vacancies as may occur in the Senate and House of Representatives.

Sec. 13. The style of the laws of this State shall be, "It is enacted by the Legislature of the State of Wisconsin as follows, viz:"

Sec. 14. Each member of the legislature shall receive for his services, two dollars for each days attendance during the first thirty days of any session, and one dollar for each days attendance during the remainder of said session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, to be computed by the most usually travelled route.

Sec. 15. Every bill which shall have passed both houses of the legislature, shall be presented to the Governor, if he approve, he shall sign it and transmit it to the Secretary, but if not, he shall return it to the house in which it originated, with his objections, which shall be entered upon the journal of the house; and if such house shall upon reconsidering it, again pass it by a majority of all the persons elected to such house, it shall be sent, with the objections, to the other house, and if approved also by a majority of all the persons elected to that house, it shall become a law; but in such cases, the votes of both houses shall be determined by ayes and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it. And all bills which shall have been presented to the Governor twelve hours before the end of the session of the Legislature, shall be signed by him, or returned with his objections.

The said report was accepted, read first and second times, referred to the committee of the whole and ordered to be printed.

Resolutions were introduced and read, as follows, to wit:

By Wm. R. Smith.

Resolved, That the committee on miscellaneous provisions be instructed to embody in their report the following articles,

1. The political year shall begin on the first day of January.

2. Whereas Ministers of the Gospel are by their profession dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the Gospel, or priest of any denomination whatsoever shall at any time hereafter, under any pretence or description whatever be eligible to, or capable of holding any civil or military office or place within this State.

3. All property of the wife owned by her at the time of her marriage, and that acquired by her afterwards, by gift, devise, descent or otherwise, than from her husband; shall be her separate property,

Laws shall be passed, providing for the registry of the wife's separate property, and more clearly defining the rights of the wife thereto, as well as property held by her with her husband."

By Mr. Cooper,

"Resolved, That the sergeant-at-arms shall prohibit smoking in this Hall during the day time while this convention shall remain in session."

By Mr. Moore,

"Resolved that the subject on negro suffrage be submitted to the people in a distinct proposition to be voted on, at the next general election and if approved shall become a part of the constitution.

The following resolution was then taken up and adopted, to wit:

"Resolved, that the committee on the organization and functions of the judiciary be instructed to inquire into the expediency of providing in this constitution, that the legislature, at its first session after the adoption of the constitution, shall provide by law for the appointment of three commissioners, whose duty it shall be to revise, reform, simplify and abridge the statutes, and the rules of practice, pleadings, forms and proceedings of the courts of record of this State, and to report thereon to the legislature, subject to their adoption and modification."

The following resolution was taken up and adopted, to wit:

"Resolved, That the committee on miscellaneous provisions not embraced in the subject committed to other committees, be instructed to inquire into the expediency of introducing a provision to be incorporated in the constitution, forever prohibiting imprisonment for debt."

The resolution introduced by Mr. Strong on yesterday, relative to terminating all debate on

No. 2. "Article on suffrage and elective franchise,"

Was taken up, when

Mr. Hunkins moved that said resolution be laid on the table.

And the question having been put,

It was decided in the affirmative.

And a division having been called for,

There were 49 in the affirmative, and 24 in the negative.

The following resolution was taken up and adopted, to wit:

"Resolved, That the committee on expenses of this convention, be instructed to ascertain and report the amount due the members of this convention for mileage to and from this place."

The resolution introduced by Mr. Cruson on yesterday, relative to education,

Was taken up, when

Mr. Cruson moved to refer the same to the committee on education, schools and school funds.

Which was agreed to.

The following resolution was then taken up, to wit:

"Resolved, That no person or persons shall ever be permitted to purchase or own any real estate within this State, who are not capable of becoming citizens of the United States."

Mr. James moved to refer the same to the committee on miscellaneous provisions;

Which was agreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 2. "Articles on suffrage and the elective franchise,"

Mr. Baird in the chair.

And after some time spent therein, rose and by their chairman reported progress thereon and asked leave to sit again.

Leave was granted.

On motion of Mr. Ryan,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole on

No. 2. "Articles on suffrage and the elective franchise."

Mr. Baird in the chair.

And after some time spent therein, rose and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Mr. Crawford,

The convention adjourned.

THURSDAY, October 22, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

The resolution introduced by Wm. R. Smith on yesterday, relative to instructing the committee on miscellaneous provisions to inquire into the expediency of embodying in their report certain articles, was taken up, and adopted,

The following resolution was then taken up, to wit:

"Resolved, That the sergeant-at-arms shall prohibit smoking in this hall during the day time, while this convention shall remain in session."

Mr. Strong moved that the said resolution be laid upon the table,

Which was agreed to.

And a division having been called for,

There were 33 in the affirmative, and 28 in the negative.

The following resolution was then taken up, to wit:

"Resolved, That the subject of Negro Suffrage be submitted to the people in a distinct proposition, to be voted on at the next general election, and if approved, shall become a part of the constitution."

Mr. Strong moved that said resolution be referred to the committee of the whole.

Which was agreed to.

Hiram Brown moved that leave of absence be granted to Wm. C. Green.

Leave was granted.

The convention then resolved itself into committee of the whole for the consideration of

No. 2. "Article on suffrage and the elective franchise."

Mr. Baird in the chair.

And after some time spent therein, rose and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Moses M. Strong,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole for the consideration of

No. 2. "Articles on suffrage and the elective franchise."

Mr. Baird in the chair.

And after some time spent therein, rose and by their chairman reported the said article back to the convention with amendments.

Mr. A. H. Smith moved to amend the report by inserting in the last line of the first section, between the words "in" and "any," the words, "the office of the clerk of."

And the question having been put,

It was decided in the affirmative.

And a division having been called for,

There were fifty-five in the affirmative,

Negative not counted.

Moses M. Strong moved to amend said report by striking out the amendments as reported by the committee of the whole, and inserting the following:

"The following persons and no others, shall be entitled to vote at all elections in this State, for all officers which may be elective by the people, under the provisions of this constitution, or of any law made in pursuance thereof:

1. Every white male inhabitant, of the age of twenty-one years, who shall be an actual resident of this State at the time of the adoption of this constitution, and who shall be, either a citizen of the United States, or who shall have delared his intention to become such according to the laws of Congress on the subject of naturalization, and in addition thereto, shall have taken and filed in the office of the clerk of any court of record in this State, an oath to support the constitution of the United States, and of this State.

2. Every male Indian of the age of twenty-one years, who shall be an actual resident of this State at the time of the adoption of this constitution, and who may have been made a citizen of the United States by any act of Congress.

3. Every white male citizen of the United States, of the age of twenty one years, not a resident of this State at the time of the adoption of this constitution, who shall have resided in this State for one year next preceding any election.

Pending the question on said amendment,

Mr. Hicks moved that said report with the amendments be recommitted to the committee of the whole.

Which was disagreed to.

The question then recurred on the adoption of the amendment proposed by Mr. Strong.

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, J. Allen Barber, Bevans, Burnett, Cruson, Edgerton, Gillmore, Gray, Hicks, Meeker, Parks, Prentiss, Vineyard, and White—14.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, Reall, Bell, Bennett, Berry, Bowen, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Warren Chase, Clothier, Cooper, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Ellis, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Hackett, George B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hill, Holcomb, Heubschmann, Hunkins, James, Janssen, Judd, Kellogg, Kern, Asa Kinney, Lovell, Madden, Magone, Manahan, Moore, Noggle, O'Connor, Patch, Parkinson, Parsons, Pierce, Mr. President, Randall, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Scaper, Wm. R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Vliet, Wakely, Whiteside, Willard and Wilson—81.

Mr. Baker moved to amend the first section by adding the following:

"At the same time the constitution shall be submitted to the people for their adoption, the following shall be submitted to them as a separate proposition for their adoption or rejection; the ballots for or against shall have written or printed thereon, "for colored suffrage," or "against colored suffrage," and shall be deposited in a separate box, and if a majority of the votes cast shall be "for colored suffrage," then the following provision shall be adopted and become a part of the constitution, but if a majority of the votes cast shall be "against colored suffrage," then said proposition shall be rejected, to wit:

Colored male citizens possessing the qualifications otherwise required by the first section of this article, shall also have the right to vote for all officers that are or hereafter may be elective by the people.

And the question having been put on said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baker, Beal, Bell, Berry, Bowker, Boyd, Carter, Warren Chase, Cooper, Crawford, Dennis, Doty, Drake, Edgerton,

Ellis, French, Faller, Gibson, Giddings, Goodell, Granger, George B. Hall, Hazen, Hesk, Heubschmann, Hankins, Nathaniel F. Hyer Judd, Kellogg, Asa Kinney, Lovell, Magone, Manahan, Moore, Naggle, O'Connor, Patch, Parsons, Pierce, Prentiss, Randall, Seaver, A. Hyatt Smith, Sewall Smith, Vliet and Wakeley—47.

Those who voted in the negative, were

Messrs. Baird, Hiram Barber, J. Allen Barber, Bennett, Bevans, Bowen, Bruce, Charles E. Brown, Hiram Brown, Burchard, Burnett, Burnside, Clothier, Coxe, Crusen, Dunning, Fitzgerald, Gillmore, Goodrich, Goodsell, Graham, Gray, Hackett, Hammond, Harkin, Hayes, Hicks, Hill, Holcomb, James, Janssen, Jenkins, Kern, Madden, Meeker, Parkison, Parks, Mr. President, Ryan, George E. Smith, John Y. Smith, Wm. R. Smith, Sayer, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, White, Whiteside, Willard and Wilson—51.

Mr. Burchard moved to amend the report by striking out all after the word "article," and inserting the following as a substitute therefor:

SEC. 1. Every male person of the age of twenty-one years or upwards, who shall be a citizen of the United States or who shall have filed an oath to support the constitution of the United States, in the clerk's office of a district court, shall be entitled to vote at any general election for all officers created by this constitution or established by the legislature under the constitution to be elected by the electors of this State: Provided that he shall have been a resident of this State for six months, and of the county for one month previous to such election.

SEC. 2. All votes shall be given by ballott and under such regulations as the legislature shall establish.

SEC. 3. On the day of such general election, all electors shall be exempt from any public duty, except in time of public danger, and privileged from arrest during attendance at, and going to and from, such elections, except for breach of peace, felony or treason.

SEC. 4. No person shall be deemed to have lost his residence by reason of absence on business of the United States or of this State.

SEC. 5. No soldier, seaman, or mariner in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

Pending the question on said amendment,

On motion of Mr. Cooper.

The convention adjourned.

FRIDAY MORNING, Oct. 23, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Reed presented the petition of M. J. Bovee, asking to be allowed to contest the seat of Mr. Burchard, a member from Waukesha County, and moved that the said petition be referred to a select committee of five.

Wm. R. Smith moved to amend the motion by adding "and that said committee have power to send for persons and papers."

Mr. Burnett moved to amend the amendment by striking out all after the word "and," and inserting "that said committee have power to examine under oath any competent witnesses, or to examine any other legal evidence that may be produced by either of the parties."

Which was agreed to.

And a division having been called for,

There were 46 in the affirmative, and 18 in the negative.

Moses M. Strong moved to amend by inserting as follows:

"And that said committee before they act upon the petition, give to Chas. Burchard whose seat is contested fair opportunity to contest the facts alleged in the petition of Mathias J. Bovee."

Which was agreed to.

The motion as amended was then agreed to.

The President announced the appointment of the following committee to whom said petition was referred:

Messrs Burnett, Wm. R. Smith, Burt, Parkinson, and Brace.

Leave of absence was asked for and granted as follows:

By Asa Kinney for Mr. Cooper.

By Wm. R. Smith for Mr. Goodsell.

By Mr. Baker for Messrs Sewall Smith and Topping.

By Moses M. Strong for himself.

Mr. Prentiss, from the committee on the act of Congress for the admission of the State," reported

No. 11, "Article relative to the act of Congress for the admission of the State."

The Committee "on the act of Congress for the admission of the State," respectfully report to the Convention, for its adoption, the following

ARTICLE:

Section 1. The propositions of the Congress of the United States as made and contained in their act of the sixth day of August one thousand eight hundred and forty six, entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State Government, and for the admission of such state into the Union," are hereby accepted, ratified and confirmed; Provided, nevertheless, that nothing in this constitution or in the act of Congress aforesaid, shall in any manner prejudice or affect the right of the state to Wisconsin to five hundred thousand acres of land granted to said state, and to be hereafter selected and located by and under the act of Congress of the United States, approved September fourth, one thousand eight hundred and forty one.

Sec. 2. The state shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona-fide purchasers thereof; and no tax shall be imposed on land the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

THEODORE PRENTISS,
J. M. BABCOCK,
V. M. WILLARD,
PITTS ELLIS,
JAMES CHAMBERLAIN,
Committee.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Resolutions were introduced and read, as follows, to wit:

By Mr. Chase,

"Resolved, That it is expedient for this convention to limit the amount of real estate which any person may own and hold within the State of Wisconsin."

By Mr. Burnside,

"Resolved, That a committee of five be appointed to take into consideration the propriety of reporting an article to be engrafted in the Constitution, to the effect that citizens of the State of Wisconsin shall not be compelled to do military duty until they shall have attained their majority."

Moses M. Strong moved a call of the convention.

Which was ordered.

And the following members reported absent, to wit:

Messrs. Chamberlain, Dickinson, Gillmore, Hill, Lemax, Prentiss, and Sewall Smith.

Mr. Judd moved that all further proceedings under the call be dispensed with.

Which was agreed to.

The unfinished business of yesterday,

It being the report of the committee of the whole on

No. 2, "Article on suffrage and the elective franchise," was then taken up.

The question having been put on the adoption of the amendment offered by Mr. Burchard,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Burchard, Warren Chase, Doty, Drake, Gibson, Giddings, Goodell, Hunkins, Moore, Randall and Tweedy—12.

Those who voted in the negative were,

Messrs. Agry, John M. Babcock, Baird, Baker, Hiram Barber, L. Allen Barber, Basil, Bail, Bennett, Berry, Beyrans, Bowen, Bowker, Boyd, Bruce, Chas. E. Brown, Hiram Brown, Burnett, Burnside, Burt, Carter, Horace Chase, Clark, Clothier, Coxe, Crawford, Crosen, Dennis, Dunning, Edgerton, Ellis, Fitzgerald, French, Fuller, Goodrich, Graham, Granger, Gray, Hackett, Geo. B. Hall, Hammond, Harkin, Hays, Hazen, Hesk, Hicks, Holcomb, Houbscinmann, Geo. Hyer, Nathaniel F. Hyer, James, Janssen, Jenkins, Judd, Kellogg, Kern, Asa Kinney, Lavell, Madden, MaGone, Manahan, Meeker, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Phelps, Pierce, Mr. President, Rankin, Reed, Ragan, Ryan, Seaver, A. H. Smith, Geo. B. Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, Viet, Wakeig, White, Whitesine, Willard, and Wilson—61.

A. Hyatt Smith moved to amend the report by inserting in the first section thereof between the words "taken" and "and" in the ninth line the words "before any officer authorized to administer oaths."

Which was agreed to.

Mr. Bennett moved to amend the said report by striking out all of section 1st to the word "election," and inserting

Sec. 1. Every white male citizen of the age of twenty one years and upwards who shall have resided in the State three months next preceding any election, and all white male persons who shall be of lawful age, and who shall have declared his intention to become a citizen in conformity with the laws of Congress regulating the subject of natural

zation and shall have taken and filed in any court of record in this State or in the office of the clerk thereof, an oath to support the Constitution of the United States, and of this State, and who shall have resided in the State twelve months next preceding any election.

And the question having been put on said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. John M. Babcock, Baker, F. Allen Barber, Bennett, Bevans, Bowen, Bowker, Hiram Brown, Burt, Clark, Cusson, Gray, Vineyard and Willard—14.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, Beall, Berry, Boyd, Brace, Chas. E. Brown, Burchard, Burnett, Burnside, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Ellis, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Graham, Granger, Hackett, Geo. B. Hall, Hammond, Harkin, Hays, Hazen, Hesk, Holcomb, Hrubschmann, Hunkins, Geo. Hyer, Nathaniel F. Hyer, James, Janssen, Jenkins, Judd, Kellogg, Kern, Asa Kinney, Madden, Mahone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, President, Randall, Rankin, Reed, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, John T. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vliet, Weikely, White, Whiteside and Wilson—82.

Horace Chase moved to amend the report by striking out the first section and inserting,

"Sec. 1. Every white male inhabitant of this State, of the full age of twenty-one years, who shall have been a resident of this State six months, and of the county in which he claims his vote, ten days before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, by taking the following oath or affirmation: You solemnly swear (or affirm) that you will support the constitution of the United States and of this State."

Mr. Strong called for the previous question:

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The president stated that under the rules the question would be on the adoption of the amendment offered by Horace Chase.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

These who voted in the affirmative were,

Messrs. Beall, Horace Chase, Doty, Heubschmann, Hunkins, Janssen, Kern, Asa Kinney, A. Hyatt Smith, and John Y. Smith—10.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Hiram Barber, J. A. Barber, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnett, Burnside, Burt, Carter, Warren Chase, Clark, Clothier, Coxe, Crawford, Cruson, Dennis, Drake, Dunning, Edgerton, Ellis, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Gray, Hackett, George B. Hall, Hammond, Harkin, Hays, Hazen, Hesk, Hicks, Holcomb, George Hyer, N. F. Hyer, James, Jenkins, Judd, Kellogg, Madden, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, Mr. President, Randall, Rankin, Reed, Regan, Ryan, George B. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, Vliet, Wakeley, White, Whiteside, Willard and Wilson—88.

The report of the committee as amended, was then adopted.

The question having been put on ordering the said articles to be engrossed for a third reading.

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

These who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Bowen, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnside, Carter, Clark, Clothier, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Ellis, Edgerton, Fitzgerald, French, Fuller, Goodell, Goodrich, Graham, Granger, Hackett, George B. Hall, Harkin, Hays, Hesk, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, James, Janssen, Jenkins, Judd, Kellogg, Kern, Asa Kinney, Madden, MaGone, Manahan, Moore, Noggle, O'Connor, Patch, Parkinson, Pierce, Mr. President, Randall, Rankin, Reed, Regan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vliet, Wakely, Whiteside, Willard and Wilson—80.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Bevans, Burchard, Burnett, Burt, Horace Chase, Warren Chase, Cruson, Gibson, Giddings, Gillmore, Gray, Hazen, Hicks, Meeker, Parks, Parsons, Prentiss, Vineyard and White—21.

Moses M. Strong moved that the convention adjourn until Monday morning next at ten o'clock.

Mr. Baird moved to amend the motion by striking out the words

"Monday morning next at 10 o'clock," and inserting "until two o'clock P. M.

And the question having been put,

It was decided in the negative.

And a division having been called for.

There were 32 in the affirmative, and 49 in the negative.

Mr. Hunkins moved that the convention adjourn:

Which was disagreed to.

And a division having been called for.

There were 25 in the affirmative,

Negatives not counted.

The question then recurred on the motion of Moses M. Strong.

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Agry, John M. Babcock, Bennett, Irons, Charles E. Brown, Burnside, Carter, Clark, Cone, Dennis, Doty, Dunning, Fitzgerald, Fuller, Goodrich, Graham, Hackett, Harkin, Hays, Hesk, Hicks, Holcomb, Heudschmann, George Hyer, N. F. Hyer, Janssen, Kern, Asa Kinney, Madden, Magone, Mannahan, Meeker, Noggle, O'Connor, Parkinson, Parsons, Pierce, Prentiss, Mr. President, Randall, Rogan, Ryan, A. Hyatt Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tolland, Vineyard, White, Whiteside and Wilson—38.

Those who voted in the negative, were

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Berry, Bevans, Bowen, Bowker, Boyd, Hiram Brown, Burchard, Burnett, Burt, Horace Chase, W. Chase, Clothier, Crawford, Crusen, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Goodell, Granger, Gray, George B. Hall, Hammond, Hazen, Hunkins, James, Janssen, Judd, Kellogg, Moore, Patch, Parks, Rankin, Reed, Seaver, George B. Smith, Tweedy Vliet, Wakeley and Willard—19.

So the convention adjourned until Monday morning next, at 10 o'clock, A. M.

MONDAY, October 26th, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Leave of absence was asked for and granted as follows:

By Mr. Bevans	for	Mr. Burnett,
" Mr. Boyd	"	Mr. Bell,
" Mr. Burnside	"	Mr. White,
" Mr. Ryan	"	Mr. Bennett,
" Mr. Rankin	"	Geo. Hyer,
" Mr. Parkinson	"	Mr. Madden,
" Warren Chase	"	John M. Babcock,

Warren Chase presented a petition of Jacob Ly Brand,

Asking that an article be engrafted in the constitution allowing all persons, without distinction of color, sex or nation, to exercise the elective franchise, and recognizing all the inhabitants of the State of Wisconsin of a certain age on a perfeet equality.

Which on his motion was laid on the table.

Mr. Crawford, from the select committee to which was referred the resolution to abolish the office of Justice of the peace, reported,

"That it is inexpedient to abolish Justices courts at the present time."

The said report was accepted.

Mr. Baird from the committee on organization and officers of counties, and towns, and their power and duties, reported,

No. 12. "Article on organization and officers of counties and towns, and their powers and duties."

The committee on organization and officers of counties and towns, and their powers and duties, report the following

ARTICLE.

Sec. 1. There shall be but one system of town and county government, which shall be uniform, as near as practicable throughout the State.

Sec. 2. Sheriffs, clerks of the circuit courts and clerks of the county boards, register of deeds, coroners and district attornies, shall

be chosen by the electors of the respective counties, once in every two years, and as often as vacancies shall happen. Sheriffs may be required by law to renew their security from time to time, and upon neglect or refusal to give such new security their offices shall be deemed vacant. They shall hold no other office during the term for which they were elected, and shall be ineligible for the next two years after the termination of their office.

Sec. 3. All county or township officers, whose election or appointment is not provided for by this constitution shall be elected by the electors of the respective counties and towns, or appointed by the county or township boards, or other county authorities, as the legislature shall direct.

Sec. 4. The legislature shall provide for filling vacancies in office; and in case of elective officers, no person appointed to fill a vacancy shall hold his office, by virtue of such appointment, longer than the next succeeding annual election after the happening of such vacancy.

Sec. 5. The duration of all offices not provided for by this constitution, may be declared by law, and if not so declared, shall be held during the pleasure of the authority making the appointment.

Sec. 6. Provision shall be made by law for the removal for misconduct or malversation in office of county officers, and for supplying vacancies created by such removal; and the legislature may declare the cases in which any office shall be deemed vacant, where no other provision is made for that purpose in the constitution,

Sec. 7. The legislature of the State shall have power to alter the boundaries of the several counties and townships now laid off, and to lay off new ones, as well out of the counties already established, as out of the other territory within the boundaries of the state.

HENRY S. BAIRD, Chairman,

Which was read the first and second times,

Referred to the commttee of the whole and ordered to be printed.

Marshall M. Strong, from the committee on engrossment, reported as correctly engrossed,

No. 2. "Article on suffrage and the elective franchise,"

Mr. Beall introduced the following resolution, which was read, to wit:

"Resolved, no member shall be allowed to speak longer than thirty minutes upon any question, either in convention or in committee of the whole."

Mr. Randall introduced the following resolution, which was read, to wit:

"Resolved, That at the next general election, and at the same time when the votes of the electors shall be taken for the adoption or rejection of this constitution, an additional section in the following words, viz:

"All colored male citizens possessing the qualifications required by the first section of the article on "suffrage and elective franchise" shall have the right to vote for all officers that now are, or hereafter may be elective by the people, after the adoption of this constitution." shall be submitted to the electors of this state for adoption or rejection in the form following, to wit:

A separate ballot may be given by every person having the right to vote for the adoption of this constitution, to be deposited in a separate box, upon the ballots given for the adoption of said separate amendments, shall be written or printed, or partly written and partly printed the words

"Equal suffrage to colored persons?—Yes."

And upon the ballots given against the adoption of the said separate amendment, in like manner the words

"Equal suffrage to colored persons?—No."

And on such ballets shall be written or printed or partly written and partly printed the words,

"Constitution suffrage," in such manner that such words shall appear on the outside of such ballot when folded.

If at said election a majority of all the votes given for and against the said separate amendment shall contain the words

"Equal suffrage to colored persons?—Yes."

Then said separate amendment, after the adoption of this constitution, shall be a separate section of article of this constitution, in full force and effect, anything contained in the constitution to the contrary notwithstanding."

The resolution offerred by Warren Chase on the 23d instant, was taken up, when

Warren Chase moved that the same be referred to a select committee of three.

Which was agreed to.

The President announced the appointment of the following committee to whom the said resolution was referred, to wit:

Messrs. Warren Chase, Parsons and Gillmore.

The resolution offered on the 23d inst. by Mr. Burnside was taken up, when

Mr. Judd moved that the same be referred to the committee of the whole having under charge the report of the committee on the militia.

Which was agreed to.

No. 2. "Article on suffrage and the elective franchise," was then taken up and read the third time, when

Mr. Judd moved that the said article be committed to a select committee of five.

Mr. Dennis moved to amend the motion by adding,

"And that said committee be instructed to strike out the 7th, 8th and 9th sections thereof, and report the remainder of said article with none but verbal amendments."

Mr. Bevans called for a division of the question,

The President decided that the motion was divisible, and would be first put, on that portion instructing the committee to strike out the 7th, 8th and 9th sections.

And having been put,

It was decided in the negative.

The question was then put,

On instructing the committee to report the remainder of the said articles with none but verbal amendments.

And was decided in the negative.

The question then recurred on the motion of Mr. Judd,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Beall, Chas. E. Brown, Burchard, Burt, Horace Chase, Warren Chase, Coxe, Crawford, Doty, Dunning, Ellis, Fitzgerald, French, Gibson, Giddings, Goodell, Graham, Gray, Hazen, Hesk, Hicks, Hill, Hunkins, Judd, Asa Kinney, Magone, O'Connor, Prentiss, Mr. President, Randall, Wm. R. Smith, Toland, Vliet and Wilson—34.

Those who voted in the negative, were

Messrs. Agry, Baird, Baker, Hiram Barber, J. Allen Barber, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Clark, Cruson, Dennis, Fuller, Gillmore, Hackett, Hammond, Harkin, Hays, Holcomb, Heubschmann, Inman, James, Janssen, Jenkins, Kellogg, Kern, Lovell, Mills, Noggle, Parkinson, Parsons, Phelps, Pierce, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, John Y. Smith, Soper, Marshall M. Strong, Tweedy and Wakely—48.

Mr. Magone moved to reconsider the vote on ordering the said article to be engrossed for its third reading.

Mr. Fitzgerald moved that the said motion be laid upon the table,

Which was decided in the affirmative,

And a division having been called for,

There were 39 in the affirmative, and 26 in the negative.

Mr. Judd moved that the said article be recommitted to the committee of the whole.

And the question having been put.

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hiram Barber, Beall, Bowker, Boyd, Chas. E. Brown, Burchard, Burt, Horace Chase, Warren Chase, Coxe, Crawford, Dennis, Doty, Ellis, Fitzgerald, French, Gibson, Giddings, Graham Gray, Hazen, Hesk, Hicks, Hunkins, Janssen, Judd, Kern, Asa Kinney, Magone, Mills, O'Connor, Prentiss, Randall, Seaver, Wm. R. Smith, Toland, Tweedy and Vliet—38.

Those who voted in the negative were,

Messrs. Agry, Baird, J. Allen Barber, Berry, Bevans, Bowen, Hiram Brown, Burnside, Clark, Cruson, Dunning, Fuller, Gillmore, Hackett, Hammond, Harkin, Hays, Holcomb, Heubschmann, Inman, James, Jenkins, Kellogg, Lovell, Noggle, Parkinson, Parks, Parsons, Phelps.Pierce, Mr.President, Rankin, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, Soper, Marshall M. Strong and Wakeley—40.

Mr. Phelps moved that the further consideration of the said article be postponed until to- morrow,

And that it be made the special order of the day, for that day,

And that in the mean time said article be printed.

And the question having been put,

It was decided in the affirmative.

And a division having been called for,

There were 45 in the affirmative, negative not counted.

Mr. Fitzgerald moved that the convention take a recess until 2 o'clock P. M.

Which was agreed to.

Two O'clock, P. M.

No. 3. "Article on the eminent domain and property of the state" was taken up,

When the convention resolved itself into committee of the whole for the consideration thereof.

Mr. Magone in the Chair,

And after some time spent therein, rose and by their chairman reported the same back with amendments.

Mr. Ryan moved to amend the 4th section reported by the committee, by adding the following sections:

"Sec. 5. The acquisition of property by the State, not necessary to the legitimate objects of government, except such property as may be acquired by gift, grant, forfeiture or escheat, shall be forever discouraged.

Sec. 6. The expropriation of private property by the state, shall be lawful only when necessary to the legitimate objects of government, and then only upon payment first made to the owners, of its fair value to them, to be assessed by a jury of the vicinage, drawn in such manner and upon such reasonable notice to the owners as shall be provided by law.

Sec. 7. The state shall derive no revenue, directly or indirectly from property taken from individuals for public use."

And pending the question on said amendment,

John Y. Smith moved that the convention adjourn,

And the question having been put,

It was decided in the negative.

And a division having been called for.

There were 32 in the affirmative, and 35 in the negative.

The question then recurred on the amendment offered by Mr. Ryan.

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Beall, Berry Burnside, Coxe, Ellis, Fitzgerald, Fuller, Graham, Harkin, Hayes, Hesk, Holcomb, Janssen, Jenkins, Noggle, O'Connor, Parkinson, Pierce, Rogan, Ryan, Geo. B. Smith, and John Y. Smith—23.

Those who voted in the negative, were

Messrs. Baird, Baker, Hiram Barber, J. Allen Barber, Bevans, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard, Burt, Carter, Horace Chase, Warren Chase, Crawford, Cruson, Dennis, Doty, Dunning, French, Gibson, Giddings, Gillmore, Goodell, Gray, Hackett, Geo. B. Hall, Hazen, Hicks, Hill, Heubschmann, Hunkins, Inman, James, Judd, Kellogg, Lovell, Magone, Mills, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, A. Hyatt Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely and Wilson—55.

Mr. Judd moved that the convention adjourn,
And the question having been put,
It was decided in the affirmative,
And a division having been called for,
There were 51 in the affirmative, negative not counted.
So the Convention adjourned.

TUESDAY, MORNING, OCT. 27, 1846.

Prayer by the Rev. Mr. Hugh.

The journal of yesterday was read.

Mr. Crawford introduced the following resolution, which was read, to wit:

"Resolved, That all persons that had a legal right to vote in this Territory, agreeably to an act entitled 'an act in relation to the qualification of voters for State Government and for the election of delegates to form a State Constitution,' approved January 22, 1844, and amended February 8, 1845, shall be entitled to vote for the adoption of this constitution, and at all elections thereafter in this State, the same as citizens are entitled to vote at said election."

Mr. Goodell introduced the following resolution, which was read, to wit:

"Resolved, That all members having speeches especially concocted for buncombe, be requested to have them written out, printed and furnished the members of this convention, instead of an oral infliction thereof."

The resolution offered by Mr. Beall on yesterday, was taken up: when

Mr. Magone moved to amend the said resolution by striking out the words, "or in committee of the whole,"

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 12 in the affirmative, and 31 in the negative.

Mr. Hunkins moved to amend the said resolution by striking out the words, "thirty minutes," and inserting the words, "one hour;"

Which was disagreed to.

Mr. Hunkins then moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And a division having been called for,

There were thirty-five in the affirmative and 32 in the negative.

The resolution introduced by Mr. Randall on yesterday, was then taken up, when

Mr. Noggle moved that the same be referred to the committee on suffrage and the elective franchise, with instructions to report near the close of the session.

Pending the question on said motion,

Mr. Hicks moved that the same be laid on the table.

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 30 in the affirmative, and 34 in the negative.

Mr. Randall moved to amend the motion by striking out all after the word "referred," and inserting the words, "a select committee of seven;"

And pending the question thereon,

Mr. Bevans moved that the further consideration of said resolution be postponed until the first Monday in January next.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Hiram Barber, J. Allen Barber, Bevans, Brace, Charles E. Brown, Hiram Brown, Burnside, Coxe, Cruson, Gillmore, Graham, Gray, Hackett, Hammond, Harkin, Hayes, Hicks, Holcomb, Inman, James, Janssen, Jenkins, Kern, Mills, Noggle, Parkinson, Parks, Phelps, Pierce, Mr. President, Rogan, Ryan, George B. Smith, William R. Smith, Soper, Marshall M. Strong and Vliet—39.

Those who voted in the negative were,

Messrs. Baker, Beall, Berry, Bowker, Boyd, Burchard, Carter, Hor-

ace Chase, Warren Chase, Crawford, Dennis, Doty, Drake, Dunning, French, Fuller, Gibson, Giddings, Goodell, George B. Hall, Hazen, Hesk. Hill, Heubschmann, Hunkins, Judd, Kellogg, Asa Kinney, Lovell, MaGone, Mannahan, O'Connor, Patch, Parsons, Prentiss, Randall, Rankin, Reed, Seaver, A. Hyatt Smith, John Y. Smith, Toland, Tweedy, Wakely and Wilson—45.

Mr. Ryan moved that the further consideration thereof be postponed until Monday, November 10th, and that it be made the special order of the day for that day, and that it be printed.

Which was agreed to.

Mr. Baker, from the committee on the organization and functions of the judiciary, reported,

No. 13. "Article on the organization and functions of the judiciary."

The committee to whom was referred the subject of the organization and functions of the judiciary, respectfully

REPORT

That they have applied themselves to the subject they have had in charge, deeply impressed with the conviction that next to the existence of good laws, nothing tends more to the stability and prosperity of a State, than their impartial and efficient administration. The people will not long be content with a government, where, however excellent the laws, they cannot avail themselves of their benefits. Dispairing of justice in the constituted tribunals, they will seek it by such means as lies within their own reach; and the measure of their judgment will be the impulses of their own will. In order that a wise system of laws should be so administered as to produce the greatest good, it is not only necessary that the judiciary should be able, impartial and efficient, but it must also possess the confidence of the people.

In drafting the plan of a judiciary, which the committee have the honor herewith to submit, they have kept constantly in view those great truths, and have endeavored so to combine them in one system, as to meet the matured views of this convention, and to realize the best hopes and wishes of the people. The leading features of the system proposed for adoption by the committee are briefly these:

First, a supreme bench composed of three justices, distinct from the circuit judges.

Second, five circuit courts, subject to increase, or modification as the legislature shall deem expedient.

Third, the union of law and equity powers in the judges of the supreme and circuit courts, reserving to the legislature the right to establish a distinct court of chancery whenever it shall be deemed expedient.

Fourth, interchange of circuits by the circuit judges, so that no judge shall preside in the same circuit more than one year in five successive years; and

Fifth, the election of the supreme and circuit judges by the people, the former by general ticket, the latter by districts.

The necessity for a distinct tribunal of ultimate resort, that shall be a limit to litigation, a uniform standard to determine what is the law, and which shall regulate and control inferior courts, is apparent to all. Whilst the organization of a supreme court on the *nisi prius* system, technically so called, has many excellencies which commend it to our favorable regard, yet in our peculiar circumstances, and with the sentiments prevailing in this community, there are very serious, if not insuperable objections to its adoption, upon which the committee cannot now enlarge. One of the chief excellencies however of that system is secured in the plan submitted, by having the circuit judges interchange circuits, whilst the greatest objection to its adoption, the possibility of the judges sustaining the prior decisions of each other without regard to the true merits and strict right of the case, is effectually avoided. With a supreme bench possessing appellate jurisdiction only, whose judges are placed above the power of temptation by ample and permanent salaries, whose tenure of office is sufficiently long to render them independent, and yet not induce inactivity or make them forgetful of their responsibility, composed of the best legal talent in the State, as we may justly hope it will be, and clothed with a power and dignity which the voice of the people can alone impart, may we not look to it with pride, with confidence and respect, as a tribunal admirably adapted to secure the highest ends of justice, and the stability and permanence of our institutions. But the committee have not been unmindful of these truths, that to render any judicial system popular and highly useful, it must secure the services of the best men for judges, it must administer justice without delay and as nearly as may be at every man's door. With this view, they have provided in the plan proposed for a judicial force sufficiently large for the prompt dispatch of all business which may arise in the several courts, they recommend salaries which though not extravagant are sufficiently liberal to secure the best legal talent, and they propose that a circuit court shall be held in in each county, at least twice, and the supreme court in each circuit, at least once a year. Thus constituted,

our judicial system will be simple and efficient, and we may therefore hope popular. County courts and side judges, the majority of the committee concieve would, with us, prove a cumbrous machinery, and useless appendage, unsuited to our condition, and uncalled for by the wants and wishes of the people. They therefore propose the establishment of no other courts, except courts of probate and justice's courts, whose jurisdiction shall be extended to one hundred dollars; but they submit a provision allowing the legislature, if hereafter in the progress of society in culture and business, they shall deem it expedient, to establish a distinct court of chancery. For the present, at least, they would not recommend its organization, as they conceive that law and equity powers may for a long time to come, if not permanently, be safely confided to the same judge. The committee have also deemed it expedient to submit, not as a necessary part of the plan proposed, but as a distinct proposition, worthy of consideration, the propriety of establishing by law, a tariff of fees on all suits or process in the supreme and district courts, to be paid into the state treasury, and applied in part payment of the judge's salaries. The proposition is founded on the equitable principle, that each man should pay individually for services rendered himself and not the public at large, besides it might in a measure tend to check a spirit of litigation. But it is unnecessary to enter into the details of the plan for organizing the judiciary contained in the report herewith submitted; if expedient, they will commend themselves to the adoption of the convention, if otherwise, they will be rejected.

But there is one feature in the judicial system proposed for adoption by the majority of the committee, so prominent and important, and upon which so decided a difference of opinion exists, that it demands a more minute and extended examination. It is the election of the judges by the people. This principle lies at the foundation of the whole superstructure, and it is of the first importance to ascertain whether it is sound and correct. It is conceded by all that government naturally resolves itself into the three branches, executive, legislative, and judicial, and that their appropriate spheres of action are so diverse, that there is both a propriety and necessity for keeping each, not only distinct from but so far as possible, entirely independent of the other. It is also an axiom of government in this country, that the people are the source of all political power, and to them should their officers and rulers be responsible for the faithful discharge of their respective duties. But for the most part, whilst the different states of the Union have admitted the correctness of these principles in the organization of the executive and legislative branches of their governments, they have denied them in that of the judiciary. Whilst the people have been permitted to elect officers to fill the two former de-

partments, they have been deprived of this right as to the latter.—The great and most important privilege of choosing the men who were to sit in judgment upon their rights of property, their lives and liberties, is denied them, and is exercised by the other two branches of government, separately or conjointly. Thus have two fundamental principles of our government been violated. The judicial power, a distinct, co-equal department, which should be wholly indepeudent of the others, instead of emanating from the people, the true source of all political power, has been dependent for existence upon the executive or legislative will, or perhaps both. The necessary result in a measure, must be the dependence of the judiciary upon one or both of the other branches of government, and its independence of the people.—And the reason why this system, so erroneous in theory, has not proved more injurious in practice, is owing to the intelligence of the people and the integrity of our judges.

The plan of appointing judges adopted in this country is plainly traceable to Great Britain. There, all judicial power is presumed to reside in the king; in theory, justice is administered in his presence, and as a consequence the judges are appointed by him. In adopting the common law with its many conceded excellencies, together with the forms and practice of England in a measure, we have very naturally imbibed the doctrine that the judicial power should emanate from the executive, instead of the people. Had our forefathers been as oppressed by this branch of government as they were by the executive and legislative powers of the mother country, is it not fairly to be presumed that they would have repudiated the principle of appointment of the judiciary, and founded it, as they did the others, on the true republican basis, election by the people. But whatever of caution may have influenced the opinions of the great statesmen who laid the foundation of our government, unguided as they were, by the lights of experience, shall we after more than sixty years experience of the happy workings of our institutions, shall we in this day of progress and of light in political science, frame a constitution, that shall sanction a principle so far behind the spirit of the age, so opposed to the genius of republican government as that of distrust of the ability of the people for self government, a desire to save them from themselves.

But an elective judiciary is not only in accordance with the theory and analogy of our government; it is in harmony with its spirit and genius. Confidence in the people, and a belief in the political perfectability of man, are the basis of our institutions. To elevate mankind, you must confide in them. You must make them feel that they are something above the brute and the slave—that they have rights and powers, a capacity for improvement and self government. You

must inspire them with self respect, a desire to better their condition, and awaken the soul to arise and assert the nobility which God stamped upon her, when he created man in His image. Every man should be made to feel that he is a citizen, a part of the state, and that a portion of its sovereignty resides in him. He should be treated by his government in the same manner that Infinite Wisdom deals with him as a distinct individual, and not part of the mass, as a free agent, responsible for his actions, and yet who can do as he will. This is the true theory of government; it emanated from the Deity, and is founded in the nature and fitness of things; it ennobles man and elevates, and betters his condition. Now it is proposed to carry out these principles in the election of our judiciary, as well as in the other departments of government. And why not? Are not the people as competent to choose in one case as the other, and are they not equally interested to make wise and judicious selections? Why prohibit the exercise of the elective franchise in a single department of government? If it be true, that all power resides in and should flow from the people, it is true, not only in part, but in whole. If false, let us discard the principle entirely; let us at once proclaim to the world that our political theory is a delusion; let us no longer seek to cherish in the hearts of the down-trodden and oppressed millions of Europe, the fond hope of freedom and equal rights, a hope doomed to wither and perish like untimely fruit. But for ourselves we have no such fears. We believe that the electors of Wisconsin will judiciously exercise the right of suffrage, however liberally extended, and that they ought to exercise it in the selection of all their officers wherever practicable.

It is objected, that the candidates for judgeship, if elective, will be selected by irresponsible conventions, as party men, and elected because nominated, irrespective of their merits. The last of these objections is untrue in fact, and unsound in conclusion. It is founded on the presumed ignorance of the people of the character and qualifications of prominent men, on their supposed disregard of their own true interests, and would prove if any thing, that the people should be excluded from voting for every important officer of government. Admitting that conventions would select candidates with reference to their political faith, though this is by no means certain, nor always even probable, the people would not therefore necessarily confirm the choice, especially would they not, if unwisely made. The election of judges to administer the laws in the high tribunals of the State, who may sit in judgment on the rights, the lives and liberties of each elector, on a day expressly set apart for that single object, is an act too solemn to admit of undue bias from the heat of partizan feeling, or the efforts of demagogues.

But we ask, when have not politics controlled the appointment of

judges selected by the executive? When has a partizan governor, and who is not such, nominated a judge of opposite politics. Is it objectionable that a Convention fresh from the people reflecting their will and wishes, with this single object in view, should make the nomination? How much more so, that a secret, irresponsible caucus, controlled by interested party leaders, should dictate, as it is well known is usually the case, who shall be the appointee? Are governors and senators so wise they cannot err, so firm and pure they may not be swayed by improper influences? Are there no partizan services to be rewarded, no favorites to elevate or rivals to crush, no other places of power or trust to which they aspire, and hope to gain, by the influence of their patronage? In short, will they be more honest, wise or impartial in making the selection than the people themselves? The majority of the committee are forced to the conclusion, that party spirit and improper influences will have less scope for exercise in the election, than in the appointment of judges; and that the people will be more attached to a system so democratic in principle, and will more cheerfully acquiesce in the decisions of a court selected by themselves.

Another objection to the elective mode is, that the judges may be induced to render unjust decisions in order to secure a re-election.—This supposes the pre-existence of a weak and corrupt judge, that the parties interested are of opposite politics, or that one has very considerable and the other very little political influence, and that a decision is to be made not long before an election. An argument which requires the concurrence of so many improbabilities is not entitled to much weight. Nothing in this country would sooner seal the political doom of any judge, by all parties and every honest man, than the attempt to bend his decisions from the line of justice to make political capital. Neither would the mingling of judges in the strife of politics be tolerated by the people; their sense of propriety would revolt at the idea, and instead of securing the object aimed at, they would ensure their own defeat. He alone can be a popular judge who is honest, impartial, decided and fearless; who holds with a steady hand the scales of justice and will suffer no improper influences to approach them, whose judgment, though it may sometimes waver and tremble in doubt, ultimately points steadily to the pole of eternal truth and justice. Such a man the people appreciate, and him will they delight to honor. Can it be presumed then, that any judge could so far forget the propriety of his station, or what became his true interest, as to mingle in party politics or swerve his decisions for political considerations.

It is said, that our population is such, composed as it is of so large a proportion of foreigners, unacquainted with our language, our laws

and institutions, that it is not safe to trust the election of judges with the people. If this argument is worth any thing, it proves too much for it would exclude them from voting at all; and yet few, if any, propose to go thus far. The fact is, as to the formation of a constitution and state government for this territory, we have no foreigners, we are all fellow-citizens, stand on common ground and have equal rights. And it is believed, that a majority of the people, both of foreign and native birth, are in favor of an elective judiciary; and we are bound to regard and carry into effect the will of all alike. The European cannot say to the American, you have not equal rights with me, nor the American to the European, I have superior rights to you. We have assembled as the representatives of a people, gathered from nearly every state in the Union, and from half the nations of Europe, with united voice to form a common constitution. No matter what star shone upon our birth place, Wisconsin is our country and the cherished home of our adoption. Here we are all brethren and fellow-countrymen, with equal rights and privileges, united by the ties of humanity, and bound to the same destiny.

Nor need we fear on this subject the influence of foreign voters who may hereafter come among us. Who are these foreigners?—Men, who have severed the ties of country, and kindred, and friendship and home to seek in our own free land the rights which God has given them, but which the pride and tyrranny of man has denied them in their native country. Men, who have forever alienated themselves from the land of their birth and all its institutions, and have selected this as their future home and adopted country. They are amenable to the same laws with us, and must suffer equally with ourselves if corruptly administered. Are their rights and interests distinct from, or hostile to ours? Have they any inducement to select for judges incompetent or corrupt men? Why then fear the foreign vote? Let us away with such idle fears and unfounded prejudices.

In every view of the subject in which the majority of the committee have been enabled to examine it, they are forced to the conclusion that the election of judges is preferable to the old mode of appointment. It is not a novel scheme now for the first time sought to be engrafted into constitutional law—has been successfully tried to its full extent in the State of Mississippi, and partially in Michigan; it has been adopted as to circuit judges in the new constitutions of Missouri and Iowa, and has finally, after long and able discussion and mature reflection, been sanctioned by the late constitutional convention of the State of New York. With these lights to guide us, when it is in accordance with the theory and spirit of our institutions, when every progressive movement in the science of government for the last fifty

years has been made by wresting power from the few, and vesting it in its true repository, the many, when the happiest signs of the times are the tendency to decentralize and distribute political power, when every day's experience teaches that the whole civilized world are on the advance to a higher, a more equal and happier state of social and political organization, need we fear; shall we hesitate and endeavor to check, to the extent of our ability, the onward movement of the age, by denying to the electors of Wisconsin, the right to elect their own judges?

In conclusion, the majority of the committee wou'd remark, that they submit their report with deference, sensible that the opinions of the minority are entitled to much weight and respect. They have applied themselves to the work they have had in charge with fidelity and singleness of purpose, and if they have erred, it may safely be confided to the wisdom of this convention to determine what is right. The committee cannot but express the hope, that however in our deliberations we may honestly differ in our opinion, our labors, tempered with the spirit of conciliation and wisdom, may so resu't, that when on the day which shall usher in our po'itical existence as a State, the sun robed in his splendors issues from the chambers of the mighty Michigan, he will look upon a free, prosperous and happy people, gathered from all nations, but forming one great brotherhood, with a constitution that shall assert to its utmost limit, the rights and dignity of man, and under which we shall become a great and happy people.

Respectfully submitted.

C. M. BAKER,
Chairman.

The committee on the organization and functions of the judiciary, report the following

ARTICLE.

Sec. 1. The court for the trial of impeachments shall be composed of the Senate and the judges of the supreme court, or of the major part of them. The House of Representatives shall have the power

of impeaching all civil officers of this State, for corrupt conduct in office or for crimes and misdemeanors: but a majority of all the members elect shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under this State; but the party impeached shall be liable to indictment, trial and punishment according to law.

Sec. 2. The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary, in municipal courts, and shall have power to organize and establish a separate court or courts of chancery, and when established, provision shall be made by law for the election of a chancellor, who shall exercise chancery powers and jurisdiction, and thereafter the supreme and circuit courts shall not exercise chancery powers, except in such manner and under such restrictions as shall be prescribed by law.

Sec. 3. The supreme court, except in cases otherwise provided by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State; but in no case removed to the supreme court shall a trial by jury be allowed in said court.

The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, prohibition, quo warranto, certiorari and other original remedial writs, and to hear and determine the same.

Sec. 4. The supreme court shall consist of one chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two of said judges shall be necessary to a decision. The judges of the supreme court shall be chosen by the qualified electors of the State, and shall hold their office for the term of six years, and until their successors are elected and qualified.

Sec. 5. The State shall be divided into five judicial circuits to be composed as follows: The first circuit shall comprise the counties of Racine, Walworth, Rock and Green. The second circuit, the counties of Milwaukee, Waukesha, Jefferson and Dane. The third circuit, the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage. The fourth circuit, the counties of Brown, Manitouwoc,

Sheboygan, Fond du Lac, Winnebago and Calumet. And the fifth circuit, shall comprise the counties of Lafayette, Montgomery, Grant, Crawford and Richland.

Sec. 6. The legislature may alter, increase, or diminish the number of circuits, making them as compact and convenient as may be, and bounding them by county lies; but no alteration or diminution of the number of circuits shall have the effect to remove a judge from office.

Sec. 7. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office for the term of five years, and until his successor shall be chosen and qualified; and when elected, he shall reside in the circuit for which he was elected.

Sec. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal, within this State not otherwise excepted in this constitution, and not hereafter prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have power to issue writs of habeas corpus, mandamus, prohibition, quo warranto, certiorari and all other writs necessary to enforce their own jurisdiction and give them a general control over inferior courts and jurisdictions.

Sec. 9. When a vacancy shall happen in the office of a supreme or circuit judge, such vacancy shall be filled by an appointment by the Governor, which shall continue until a successor is elected and qualified, and when elected, such successor shall hold his office for a full term. No election for judges, or for any single judge, shall be held within thirty days of any other general election.

Sec. 10. Each of the judges of the supreme court shall receive a salary of not less than $1,500 dollars annually; and each of the judges of the circuit court shall receive a salary of not less than $1,200 annually; and the salary of no judge shall be diminished during his continuance in office. They shall receive no fees of office or other compensation than their salaries; they shall hold no other office or public trust, and all votes for either of them for any office except that of judge of the supreme or circuit court, given by the legislature or the people, shall be void. If any judge shall resign his office he shall not be eligible or appointed to any office within one year after such resignation. No person shall be elected to the office of judge who is not a citizen of the United States, who shall not have attained the age of twenty-five years, and who shall not have resided within this State or Territory two years previous to his election.

Sec. 11. The supreme court shall hold at least one term in each judicial circuit annually, at such times and places as shall be provided by law. A circuit court shall be held in each county of this state, organized for judicial purposes, at least twice in each year.—

The circuit judges may hold courts for each other, and shall do so when required by law, and any judge of the supreme court shall hold a circuit court in such cases as may be provided by law.

Sec. 12. Until the legislature shall otherwise provide, the circuit judges sha l interchange circuits, and hold courts in such a manner that no judge of either of said circuits shall hold courts in any one circuit, for more than one year in five successive years, except in case of vacancy, absence, or of inability or disability of one of said judges.

Sec. 13. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors therein, who shall hold his office for four years, subject to removal, as shall be provided by law. In case of vacancy, the judge of the circuit shall have the power to appoint a clerk until the vacancy shall be filled by an election.

The supreme court shall appoint its own clerks, and a clerk of the circuit court may be appointed a clerk of the supreme court.

Sec. 14. Any judge of the supreme or circuit court, may be removed from office by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein, but no removal shall be made by virtue of this section, unless the party complained of shall have been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defence, and no judge shall be removed for any cause for which he might have been impeached. On the question of removal the ayes and noes shall be entered on the journals.

Sec. 15. There shall be chosen in each county by the qualified electors thereof, a judge of probate, who shall hold his office for two years, and until his successor is elected and qualified.

Sec. 16. The electors of the several towns at their annual town meeting, and the electors of cities and villages at their charter elections, shall in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. They shall have jurisdiction co-extensive with the county in which they are elected in such cases as shall be prescribed by law when the debt or balance due, or damages claimed by the plaintiff, does not exceed one hundred dollars, inclusive of interest, and where the demands of both parties proven on the trial do not exceed two hundred and fifty dollars, and such criminal jurisdiction as shall be granted by law.

Sec. 17. Tribunals of conciliation may be established with such powers and duties as may be prescribed by law: but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference and agree to abide the judgment or assent thereto, in the presence of such tribunal, in such cases as shall be prescribed by law.

Sec. 18. The legislature shall have power to vest in clerks of courts, or in other competent persons, authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice; but in all cases the powers thus granted shall be specified and determined.

Sec, 19. The style of all writs and process shall be in the name of the State of Wisconsin, and all criminal prosecutions shall be carried on in the name and by the authority of the same.

Sec. 20. The legislature shall impose a tax on process, or a rate of fees on suits commenced or prosecuted in the supreme and circuit courts; they shall also limit by law the total amount of fees which the clerks of said courts may retain in payment for their services; and the excess of fees received by said clerks beyond the amount so limited, and all fees arising from such tax or rate shall be paid into the treasury of the state, and shall constitute a fund to be applied towards the payment of the salary of judges.

Sec. 21. The testimony in equity cases shall be taken in like manner as in cases at law; and the office of master in chancery shall be abolished.

Sec. 22. Any male citizen residing in this state, of the age of twenty one years, of good moral character, and who possesses the requisite qualifications of learning and ability, shall be entitled to admission to practice in all the courts of this state.

Sec. 23. There shall be an attorney general chosen by the qualified electors of the state, and a district attorney shall be elected in each county organized for judicial purposes, by the qualified voters therein, whose duties, compensation, and term of service shall be prescribed by law.

Sec. 24. The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions made within this state as it may deem expedient. All laws and judicial decisions shall be free for publication by any person, and no general law shall be in force until published.

Sec. 25. The legislature as early as at its first session after the admission of this state into the Union, shall provide for the appointment of three commissioners, whose duty it shall be to revise, simplify and arrange the statute laws of this territory or state, with proposed amendments, to inquire into and ascertain the rules of practice, pleadings, forms and proceedings most suitable to be adopted in the courts of record in this state, and to report thereon to the legislature, subject to their modification and adoption. Any judge of this state may be appointed and serve on such commission, and any such commissioner

may be elected to the office of judge, any thing in this constitution to the contrary notwithstanding.

Respectfully submitted,

C. M. BAKER, Chairman.

Which was read the first and second times, referred to the committee of the whole and ordered printed.

Mr. Magone moved that 1000 copies of the report of the committee on the judiciary be printed together with the accompanying documents, for the use of the convention, in pamphlet form.

Mr. Hicks moved to amend by striking out the words "together with the accompanying documents."

Pending the question thereon,

Mr Baird moved that the motion be laid upon the table.

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 29 in the affirmative, and 42 in the negative.

The question then recurred on the adoption of the amendment of Mr. Hicks,

And the question having been put

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Baird, J. Allen Barber, Brace, Burchard, Drake, Giddings, Gray, Hackett, Hammond, Harkin, Hays, Hicks, Hill, Holcomb, Inman, Kellogg, Lovell, Magone, Mills, Patch, Parkinson, Phelps, Prentiss, Rogan, Ryan, A. Hyatt Smith, Soper, Marshall M. Strong and Tweedy—30.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Berry, Bevans, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burnside, Carter, Horace Chase, Warren Chase, Crawford, Cruson, Dennis, Doty, Dunning, French, Fuller, Gibson, Gillmore, Goodell, Graham, George B. Hall, Hazen, Hesk, Heubschmann, Hunkins, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Manahan, Noggle, O'Connor, Parks, Parsons, Pierce, Mr. President, Randall, Rankin, Seaver, George B. Smith, John Y. Smith, Wm. R. Smith, Toland, Vliet, Wakeley, and Wilson—51.

Mr. Baird called for the special order of the day, when

Mr. Dennis moved that the rule be suspended for the consideration of the motion of Mr. Magone.

And the question having been put,
It was decided in the affirmative.
And a division having been called for,
There were 49 in the affirmative, and 20 in the negative.

Mr. Rogan moved to amend the motion of Mr. Magone by adding, "and also that 1000 copies of said report and accompanying argument be printed in the German language for circulation among the German population of the Territory."

Mr. Dennis called for the previous question, and previous to ordering the same,

On motion of Marshall M. Strong,
The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Mr. Rogan withdrew his amendment.

Mr. Dendis withdrew his call for the previous question.

A Hyatt Smith moved to amend the motion by adding the words, "1000 copies in the Norwegian language."

Which was disagreed to.

Mr. Phelps moved to amend by adding the words, "and also 1000 copies in the Indian tongue."

Which was disagreed to.

The question then recurred on the motion of Mr. Magone,
And having been put,
Was decided in the affirmative.

And the ayes and noes having been called for and ordered.
Those who voted in the affirmative, were

Messrs. Hiram Barber, Beall, Bevans, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Burt, Carter, Warren Chase, Coxe, Crawford, Cruson, Dennis, Doty, Dunning, French, Fuller, Gillmore, Goodell, Graham, Granger, Hazen, Hesk, Heubschmann, Hunkins, Janssen, Jenkins, Judd, Kern, Asa Kinney, MaGone, Noggle, O'Connor, Parsons, Mr. President, Randall, Rankin, Seayer, Geo. B. Smith, Wm. R Smith, Toland, Vliet and Wilson—46.

Those who voted in the negative were,

Messrs. Agry, Baird, J. Allen Barber, Berry, Brace, Horace Chase, Drake, Gibson, Giddings, Gray, Hackett, Geo. B. Hall, Hammond, Harkin, Hayes, Hicks, Hill, Holcomb, Inman, James, Kellogg, Lovell, Manahan, Mills, Patch, Parkinson, Phelps, Pierce, Prentiss, Rogan, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Tweedy and Wakely—36.

John Y. Smith moved a suspension of the rules to allow him to move a reconsideration on the vote by which the article on the organization and funcions of the judiciary was referred to the committee of the whole and ordered to be printed.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Baird, J. Allen Barber, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Horace Chase, Warren Chase, Cruson, Dunning, French, Fuller, Gibson, Giddings, Gillmore, Graham, Gray, Hackett, George B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hill, Holcomb, Heubschmann, Hunkins, Inman, Jenkins, Kellogg, Asa Kinney, Lovell, Manahan, Mills, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randall, Rogan, Seaver, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet and Wakely—57.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Berry, Burchard, Burnside, Burt, Carer, Coxe, Crawford, Dennis, Doty, Drake, Goodell, Granger, Hicks, James, Janssen, Judd, Kern, MaGone, O'Connor, Rankin, George B. Smith, William R. Smith and Wilson—25.

John Y. Smith then moved that the vote referring the said article and accompanying documents to the committee of the whole, and ordering the same to be printed, be reconsidered;

Which was agreed to.

And a division having been called for,

There were 47 in the affirmative, and 11 in the negative.

John Y. Smith moved that the article and accompanying documents be referred to the committee of the whole, and the article only ordered to be printed.

Which was agreed to.

No. 2. "Article on suffrage and the elective franchise,"

It being the special order of the day,

Was taken up; when

Messrs. Dennis, Ryan, Heubschmann, Barber and Wm. R. Smith asked the unanimous leave of the convention to amend the same.

Leave was not granted.

Mr. Hicks moved that the said article be committed to a select committee of five, with instructions to report the same back to-morrow morning with the following amendment, to wit:

"Sec. 1. Every white male resident citizen, Indians not excepted, of the age of twenty-one years and upwards, shall be entitled to vote for or against the adoption of this constitution, and for every officer which by the constitution or by law shall be elective by the electors, and every white male resident, not a citizen of the United States, but who shall have declared his intention to become such, in conformity with the laws of Congress, shall be entitled to vote at all corporation, town, ward, or precinct elections.

No person shall be entitled to vote at any election in this State, who shall not have resided in this State six months, and in the county, town, ward, or precinct ten days next preceding such election."

And the question having been put,

It was decided in the negative.

Mr. Magone moved that the same be recommitted to the committee on suffrage and the elective franchise, with instructions to report the same back in the simplist language possible,

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 15 in the affirmative, negative not counted.

Mr. Kellogg called for the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the passage of the said article,

And it was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Hiram Barber, Beall, Berry, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burnside, Carter, Horace Chase, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Fuller, Graham, Hackett, Geo. B. Hall, Hammond, Harkin, Hayes, Hesk, Hill, Holcomb, Heubschmann, Hunkins, Inman, James, Janssen, Jenkins, Judd, Kellogg, Kern, Asa Kinney, Lovell, MaGone, Manahan, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, Prentiss, Mr. President, Randall, Rankin, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely, Whiteside and Wilson—69.

Those who voted in the negative were,

Messrs. Baird, J. Allen Barber, Bevans, Burchard, Warren Chase, Cruson, French, Gibson, Giddings, Gillmore, Goodell, Gray, Hazen, Hicks, Phelps and Vineyard—16.

So the article passed, and the title thereof was agreed to.

Mr. Magone moved that the vote on the passage of the said article be reconsidered;

Which was disagreed to.

No. 3. "Article on eminent domain and the property of the State,"

Was then taken up; when

John Y. Smith moved to amend by adding to the first section, the following proviso:

"Provided, and the foregoing section is adopted on the express condition that the State of Wisconsin shall be entitled to so much land as shall, together with the amount heretofore granted to the Territory of Wisconsin, for purposes of internal improvement, and which shall accrue to the said State, make five hundred thousand acres, to be selected from the unsold and unappropriated lands within this State, in legal subdivisions, of not less than three hundred and twenty acres in a parcel, in such manner and to be disposed of as the legislature therefor may prescribe, but not to be disposed of by said State for less than one dollar and twenty-five cents per acre, without the consent of the United States."

Pending the question thereon,

Mr. Ryan moved that the said article with

No. 11. "Article relative to the act of Congress for the admission of the State,"

Be referred to the same committee of the whole, which shall have under charge,

"Article relative to the name and boundaries of the State."

Which was agreed to.

The convention then resolved itself into committee of the whole, for the consideration of

No. 4. "Article relative to the militia."

Hiram Barber in the chair.

And after some time spent therein, rose and reported the same back to the convention without amendment.

On motion of Mr. Tweedy,

The convention adjourned.

WEDNESDAY, OCT. 28, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Geo. B. Smith, from the committee on a bill of rights, reported No. 14, "Bill of Rights."

The committee on a "Bill of Rights," have had under consideration the subject referred to them, and have the honor to report and recommend the adoption of the following:

Sec. 1. All men are born free and independent; therefore all government of right originates from the people, is founded in consent, and instituted for the general good.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

Sec. 3. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right pertaining thereto.

Sec. 4. The liberty of the press is essential to the security of freedom; and it ought not therefore to be restrained in this state.

Sec. 5. The legislature shall make no law abridging the freedom of speech, or the right of the people peaceably to assemble, and to petition for a redress of grievances.

Sec. 6. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people that it cannot be the foundation of any action, complaint or prosecution in any place whatsoever.

Sec. 7. The legislature shall not possess or exercise any powers except such as are expressly granted by this constitution; and all power and authority not expressly granted by this constitution is reserved to the people.

Sec. 8. In the government of this state the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise either the legislative or judicial powers: the judicial shall never exercise either the legislative or executive powers, to the end that it may be a government of laws and not of men.

Sec. 9. The inhabitants of this state shall be entitled to the writ of habeas corpus, writs of error and trial by jury.

Sec. 10. All persons shall be bailable unless for capital offences where proof shall be evident or the presumption great: all fines shall be moderate, and no cruel or unusual punishment shall be inflicted.

Sec. 11. No person shall be deprived of life, liberty or property but by the judgment of his peers or the law of the land.

Sec. 12. No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself.

Sec. 13. The right of the people to be secure in their persons, houses, paers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 14. No ex post facto law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 15. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in this state.

Sec. 16. Private property ought and shall ever be held inviolable, but always subservient to the public welfare, provided a compensation in money be made to the owner, the value thereof to be assessed by a jury of the county in such manner as may be provided by law.

Sec. 17. Foreigners who are or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property as native born citizens.

Sec. 18. No person shall be imprisoned for debt in this state unless upon refusal to deliver his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

Sec. 19. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

Sec. 20. The military shall be kept under strict subordination to the civil power.

Sec. 21. The people have a right to bear arms for the defence of themselves and the state.

Sec. 22. All elections ought to be free; and all men having sufficient evidence of permanent common interest with, and attachment to the community, have a right of suffrage and cannot be taxed or deprived of their property for public use, without their own consent or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good.

Sec. 23. The legislature shall make no law respecting the establishment of religion, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or for the maintenance of any minister or ministry.

Sec. 24. The legislature shall protect by law from forced sale a certain portion of property of all heads of families.

The homestead of a family not less than forty nor to exceed one hundred and sixty acres, (not included in any town or city) or any town or city lot shall not be subject to forced sale for any debts hereafter contracted, nor shall the owner, if a married man, be at liberty to alienate the same unless by the consent of the wife in such manner as the legislature may hereafter point out.

Sec. 25. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, are indispensably necessary to preserve the blessings of liberty and a good government.

GEO. B. SMITH, Chairman.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Geo. B. Smith, from the minority of the committee on the organization and functions of the judiciary, reported,

No. 13. "Article on the organization and functions of the judiciary."

MINORITY REPORT.

Sec. 1. The judicial power of this state both as to matters of law and equity shall be vested in a supreme and district court for each county, in justice's of the peace, and in such other courts as the legislature may from time to time establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum. They shall have original and appellate jurisdiction both in common law and chancery, in such cases as shall be directed by law. Provided that nothing herein contained shall prevent the legislature from adding another judge or judges to the supreme court after the term of five years.

Sec. 3. The several district courts shall consist of a district and associate judges. The state shall be divided by law into five districts; there shall be elected in each district a district judge who shall hold his office for four years and until his successor is duly elected and qualified, who during his continuance in office shall reside therein. There shall be elected in each county not less than two nor more than three associate judges who shall hold their office for four years and until their successors are duly elected and qualified, who during their continuance in office shall reside therein.

The district and associate judges, in their respective counties any two of whom shall be a quorum, shall compose the district court, which shall have common law and chancery jurisdiction in all such cases as shall be directed by law; Provided that nothing herein contained shall prevent the legislature from increasing the number of districts and district judges after the term of five years.

Sec. 4. The judges of the supreme and district courts shall have complete criminal jurisdiction in such cases and in such manner as may be provided by law.

Sec. 5. The associate judges of the district court in each county shall have jurisdiction of all probate and testamentary matters, granting letters of administration, the appointment of guardians and such other powers and jurisdiction as shall be provided by law.

Sec. 6. The judges of the district court shall within their respective counties, have the same powers with the judges of the supreme court, to issue writs of certiorari, writs of habeas corpus, mandamus, prohibition, quo warranto, and other original remedial writs and to hear and determine the same.

Sec. 7. The judges of the supreme court shall be elected by the qualified electors of this state as shall be prescribed by law to hold their offices for six years and until their successors are duly elected and qualified.

Sec. 8. The supreme court shall be held once a year in each county: and the district court shall be holden in each county at least twice a year as shall be prescribed by law.

Sec. 9 The testimony in equity cases shall be taken in like manner as in cases at law.

The office of master and examiner in chancery are hereby abolished.

Sec. 10. The clerks of the supreme and district courts shall be elected by the qualified electors of each county in this state as shall be prescribed by law. The clerks of the supreme court shall hold their office for six years and until their successors are duly elected and qualified; and the clerks of the district court shall hold their office for the term of four years and until their successors are duly elected and qualified, subject to be removed at any time by the judges of said courts for incompetency.

Sec. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties and shall continue in office for two years and until their successors are duly elected and qualified. whose powers, jurisdiction and duties shall from time to time be regulated and defined by law.

Sec. 12. The state shall be divided for judicial purposes as follows:

The counties of Brown, Calumet, Winnebago, Sheboygan, Manitowoc, and Fond du Lac shall compose the first district.

The counties of Milwaukee, Waukesha and Jefferson shall compose the second district.

The counties of Racine, Walworth, Rock and Green shall compose the third district.

The counties of Dane, Sauk, Dodge, Columbia, Portage and Marquette shall compose the fourth district.

The counties of Grant, Iowa, Richland and Crawford shall compose the fifth district.

The counties of St. Croix, Chippewa, and LaPoint shall be attached to the fifth district for judicial purposes, until otherwise provided by law.

Sec. 13. The style of all process shall be "The State of Wisconsin."

All prosecutions shall be carried on in the name and by the authority of the State of Wisconsin; and all indictments shall conclude against the peace and dignity of the state.

GEO. B. SMITH,
B. O'CONNOR.

The said report was received.

The article was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Randall introduced the following resolution, which was read, to wit:

"Resolved, That one thousand copies of the minority report on the judiciary be printed in pamphlet form for distribution."

The resolution introduced by Mr. Crawford on yesterday,

Was then taken up, when

Mr. Magone moved that the same be referred to the committee on the schedule for the organization of state government,

Which was agreed to.

The resolution introduced by L. Goodell on yesterday, was taken up,

When Mr. Goodell, by the unanimous leave of the convention, withdrew the same.

No. 4. "Articles relative to militia."

Was taken up, when

Mr. Cruson moved to amend by striking out the first section thereof, and inserting as follows:

"The legislature shall provide by law for organizing the militia in such manner as they may deem expedient, not incompatible with the constitution and laws of the United States.

Persons who have conscientious scruples against bearing arms, shall not be compelled to do so, but may be compelled to pay an equivalent for personal service.

The governor shall have power to call out the militia to execute the laws of the state, to suppress insurrection and to repel invasion.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were

Messrs. J. Allen Barber, Bevans. Burnside, Warren Chase, Cruson, Gillmore, Gray, Hammond, Hicks, Hunkins, Kellogg, Lovell, Mills, Patch, Parsons, Ryan, A. Hyatt Smith, Marshall M. Strong, Vineyard, Wakely and Whiteside—21.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, Beall, Berry, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Clark, Clothier, Coxe, Crawford, Dennis, Doty, Drake, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Hackett, George B. Hall, Hazen, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Magone, Manahan, Noggle, O'Connor, Parkinson, Pierce, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, George B. Smith, John Y. Smith, Wm. R. Smith, Soaper, Toland, Turner, Tweedy, Vliet and Wilson—66.

Mr. Burchard moved to amend the second line of the first section thereof, by striking out the words "negroes and mulattoes excepted."

Pending the question on said amendment,

Mr. Judd called the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And a division having been called for,

There were 46 in the affirmative, and 25 in the negative.

The question was then put on adopting the amendment offered by Mr. Burchard.

And was decided in the negative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, Beall, Berry, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Carter, Horace Chase, Clark, Clothier, Coxe, Crawford, Dennis, Doty, Drake, Edgerton, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Hackett, Geo. B. Hall, Hazen, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Manahan, Noggle, O'Connor, Parkinson, Parks, Parsons, Pierce, Prentiss, Mr. President, Randall, Rogan, Scayer, Geo. B. Smith, Wm. R Smith, Soper, Turner, Tweedy, Vliet, Whiteside and Wilson—68.

Those who voted in the negative were,

Messrs. J. Allen Barber, Bevans, Warren Chase, Cruson, Gillmore, Gray, Hammond, Hicks, Hunkins, Kellogg, Lovell, MaGone, Mills, Patch, Rankin, Ryan, A. Hyatt Smith, John Y. Smith, Marshall M. Strong, Vineyard and Wakely—21.

Mr. Manahan moved that the rules be suspended for the consideration of a resolution relative to the receiver of the canal lands,

Which was agreed to.

Mr. Manahan then introduced the following resolution which was read and adopted, to wit:

"Whereas, the receiver of the Milwaukee and Rock River canal, has a sum of money in his hands received by him for interest arising

from sales of the canal lands, made previous to the act of 1845 authorizing the late sales of said lands, and whereas the said receiver has doubted whether he was authorized to pay the same into the treasury of the territory by the resolution approved February 3, 1846.

Therefore, resolved, That the said receiver is hereby requested to pay over to the President of this convention, all moneys arising from any sale of the canal lands, whether the same is interest or principal."

No. 5. "Article relative to internal improvements,"

Was then taken up, when,

Wm. R. Smith moved that the same be referred to the same committee of the whole which shall have under charge

No. 6. "Article on taxation, finance and the public debt."

Which was agreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 6. "Article on taxation, finance and the public debt," and

No. 5. "Article relative to internal improvements."

N. F. Hyer in the chair.

And after some time spent therein, rose, and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Mr. Magone,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole for the consideration of

Articles Nos. 5 and 6.

N. F. Hyer in the chair,

And after some time spent therein, rose, and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion,

The convention adjourned.

Thursday, October 29, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Berry asked leave of absence for Mr. Baker.

Mr. Burchard asked leave of absence for Mr. Burt.

Leave was granted.

Mr. O'Connor from the committee on a preamble, reported

No. 15. "Preamble."

The committee to whom was referred the subject of a preamble, beg leave to make the following report:

PREAMBLE.

The constitution of the State of Wisconsin, adopted in convention at Madison, on the day of in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States the seventy-first.—

We, the people of the Territory of Wisconsin, acknowledging with gratitude the grace and beneficence of God in permitting us to make choice of our form of government, having the right of admission into the union as a member of the confederacy, consistent with the constitution of the United States, the ordinance of Congress of 1787, and the law of Congress approved August 6th, 1846, entitled "an act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such State into the Union," believing that the time has arrived when our present political condition ought to cease, and the right of self-government to be asserted; and in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves, and to our posterity, do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Wisconsin, and do ordain and establish this constitution for the government thereof.

All of which is respectfully submitted.

ROSTWICK O'CONNOR, Ch'n.
JAMES H. HALL.
LAFAYETTE HILL.
ABEL DUNNING.
JOSEPH FOWKER.

Which was read the first and second times, referred to the committee of the whole, and ordered to be printed.

Mr Bevins, from the committee on municipal corporations, reported.

No. 16. "Article on municipal corporations."

The committee to whom was referred the subject of municipal corporations, have had the subject under consideration and ask leave to report the following article, and recommend its adoption by the convention:

ARTICLE.

Sec. 1. The legislature shall provide for the creation and government of municipal corporations, by general and uniform laws and not otherwise.

2. No municipal corporation shall have power to contract debts on account of said corporation, for any purposes whatever.

All of which is respectfully submitted.

L. EVANS, Chm.
J. S. PIERCE.
LORENZO HAZEN.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Hunting, from the committee on engrossment, reported

No. 1. "Article on the militia,"

As correctly engrossed.

Mr. Dery, from the committee on the name and boundaries of the State, reported

No. 17. "Article in relation to the boundaries of Wisconsin."

The committee upon the name and boundaries of the State of Wisconsin, respectfully

REPORT

That the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such State into the Union," approved August 6th, 1846, gave the name of "Wisconsin" to this State, and did not submit the question whether it should have that, or any other name.

to this convention. And another committee of this convention having adopted in their report the same name, this committee has not deemed it necessary to investigate the subject.

It is provided in the above mentioned act, that this convention shall declare, "in an ordinance irrevocable without the consent of the United States," that this State accepts of the boundaries therein prescribed. In compliance with this act, your committee has prepared an ordinance which is herewith submitted.

But as these boundaries are essentially different from those of the present Territory of Wisconsan, as well as from those which have hitherto been claimed for this State by the inhabitants of the Territory, and by the Legislative and Executive departments of the Territory, your committee has also, in the performance of its duties, inserted provisions in this ordinance asserting the right of this State to its ancient limits, and submitting the question in dispute with the States of Illinois and Michigan, to the Supreme Court of the United States for final adjudication and settlement.

By this reference, the State only asserts her rights constitutionally; and, following the example of Iowa and Missouri, which has been approved by the government of the United States, manifests her intention to effect a peaceable adjustment of them with her neighbors, by submitting them for determination to the judicial tribunals of the country, according to the constitution of the United States. If Congress, however, will now assent to the original boundaries of this State, the controversy with the adjoining States on the south and east may perhaps be adjusted without further difficulty.

It is not proposed at present to discuss the question of the right of this State to the boundaries claimed, as it is doubtless well understood by the members of this convention; but we respectfully offer herewith copies of the fifth article in the ordinance of 1787, and of the act of Congress prescribing limits to Michigan in the year 1805; also, the report of a committee of the Council of this Territory, made in the year 1842, in relation to the proper boundaries of this State, which presents and discusses this subject with great ability; and your committee asks that the copy hereto annexed may be received as a part of this report.

If this convention gives, by adopting the ordinance now submitted, a qualified assent to the boundaries proposed in the act of Congress of the last session, your committee are of the opinion that the State will be entitled to, and will obtain immediate admission into the Union.

Missouri gave in the year 1821, a qualified assent to a condition imposed upon her authority by the government of the United States, a

full compliance with which was required, yet she was admitted and still retains her place in the Union.—6 vol. laws U. S. 666.

The question of an unadjusted or indefinite boundary cannot be considered an objection to admission. It is well known that several of the thirteen original states came into the Union with contested boundaries, some of which have been but lately settled, and others, it is believed, are still undetermined. And so indefinite was the line which separated New York and New Hampshire, the people of Vermont, in virtue of their own authority, formed that state out of the country which was in dispute between those states; and after asserting and maintaining her sovereignty for twenty years, was finally admitted into the Union.

Provision was made for the admission of the State of Iowa by Congress at its last session, and at the same time for the adjustment of the contested boundary between her and the State of Missouri, by the Supreme Court. We are thus only following an example which has been approved by the government of the United States. A copy of the section of the act of Congress which provides for the settlement of the boundary by the Supreme Court, is herewith submitted.

We would also refer to the instance of the State of Michigan.—That State having ascertained by a census, that she had sixty thousand "free inhabitants" within her limits, as established by the ordinance of 1787, and by the act of Congress of 1805, formed her constitution and demanded admission. She elected her Senators and Representatives to Congress, and all of her state officers, and thus threw off the territorial government on the adoption of her constitution by the people and became then an independent State.

Congress, on the 15th of June, 1836, passed an act prescribing other boundaries for her than those which she had adopted, and submitted these new boundaries to the people of Michigan for their acceptance. In the same act, and before the assent of the people of Michigan was, or could have been given to the alteration, it is provided that "the Senators and Representatives [of Michigan] in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay. 9 Vol. laws U. S. 377.

The assent of the people of a portion of the State having been given, (but not of that portion beyond the original boundaries of Michigan) an act to admit the State into the Union was passed on the 26th day of January, 1837.

Thus she became by her own action, an independent State, exercising all her functions of sovereignty, admitted into the national councils, voted for the President of the United States, received her pre-

portion of the surplus fund which was distributed among the States and enjoying all the benefits of the Union, before her boundaries were adjusted and settled.

It therefore appears from these instances that States can be, and have been admitted into the Union with undefined as well as unsettled boundaries; that when Congress requires the assent of a State to a condition imposed, a qualified assent may be given and the state admitted; and that a state may be admitted while the question is pending and undetermined in the supreme court of the United States, whether she is entitled to one line or another for her boundary. And in this last case, this mode of establishing a contested boundary is expressly sanctioned by a special act of Congress.

Whatever changes Congress has hitherto made in the boundaries of this state, by extending over portions of it, the jurisdiction of other states, she has been well aware were not binding without the consent of the people of this state. The consent of the states of Illinois and Michigan was asked and given—and might well be given by them as they were to acquire thereby extensive and valuable territory; but the consent of this state to those encroachments is now asked, and the question is—shall it be given?

The proposition now made by Congress, that we shall assent to these alterations, implies that, in the opinion of that body, "common consent"—that is, the consent of all the parties interested, is required to alter the boundaries fixed in the articles of compact. If this state refuses to consent, her limits will remain unchanged; but it is no where said by Congress, or in the ordinance or constitution, that this state shall forfeit its right to be admitted if she does not yield her consent.

In conclusion, your committee express the opinion that the boundaries claimed are the true boundaries of the State of Wisconsan as fixed and established by an article in the ordinance of 1787 which was declared to be "irrepealable unless by common consent;" that the inhabitants of this state have never given their consent to repeal or alter them; that the propositions now made by Congress, contain no consideration which ought to be received by this state for her consent to such repeal or alteration or the surrender upon such a demand for her unquestionable rights; and that by said ordinance and the constitution of the United States the only questions submitted to Congress by the application of this state for admission, are whether her constitution is republican, and in conformity to the principles contained in the compact; and that this last of the States in the North Western

Territory is of right entitled to that admission "on an equal footing with the original states" if demanded by her, without any other restriction, limitation or condition than such as is imposed by the ordinance.

J. D. DOTY, Chairman,
E. W. EDGERTON,
GEORGE B. HALL,
L. GOODELL.

AN ORDINANCE

IN RELATION TO THE BOUNDARIES OF WISCONSAN

Sec. 1. It is hereby ordained and declared, that the State of Wisconsan, "doth consent to and accept the boundaries" prescribed in the act of Congress entitled "An act to enable the people of Wisconsan Territory to form a constitution and state government, and for the admission of such state into the Union," approved August 6th, 1846, as hereinafter mentioned, and for the purpose of obtaining admission into the Union, which said boundaries are as follows, to wit:

"Beginning at the northeast corner of the State of Illinois, thence running with the boundary line of the State of Michigan, through Lake Michigan and Green Bay to the mouth of the Menomonee river; thence up the channel of said river to the Brule river; thence up said last mentioned river to Lake Brule; thence along the southern shore of Lake Brule in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the head waters of Montreal river, as marked upon

the survey made by Captain Cram; thence down the main channel of Montreal river to the middle of Lake Superior; thence through the centre of Lake Superior to the mouth of St. Louis river; thence up the main channel of said river to the first rapids in the same above the Indian village according to Nicolett's map; thence due south to the main branch of the St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the northwest corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning."

Provided, however, that the admission of this State into the Union according to the boundaries as above described, shall not in any manner affect or prejudice the right of this state to the boundaries which are "fixed and established" for the fifth division or state of the Northwestern Territory in and by the fifth article of compact in the ordinance of Congress for the government of the Territory northwest of the river Ohio, passed July 13, 1787, and by an act to divide the Indiana Territory into two separate governments, approved the eleventh day of January, 1805, and by the admission of the states of Ohio, Indiana, Illinois and Michigan into the Union, which said boundaries are as follows, to wit: on the south, by a west line drawn through the southerly bend or extreme of Lake Michigan to the Mississippi river; on the west, by the Mississippi river from the point where the said line intersects the middle of said river to its source, and thence due north to the forty-ninth parallel of latitude; on the east, by a line drawn from the said southerly bend of Lake Michigan through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States; and on the north, by the said northern boundary.

Sec. 2. The question which has heretofore been the subject matter of controversy and dispute between the Territory of Wisconsan and the State of Illinois respecting the northern boundary line of said state, and with the State of Michigan respecting the western boundary line of said state, it is hereby proposed and agreed by the people of the Territory and State of Wisconsan, shall unless Congress shall assent to the bounderies as herein claimed, be referred to the Supreme Court of the United States for adjudication and settlement; and the State of Wisconsin doth hereby further agree to the commencement and speedy determination of such suit, with either or both of said States of Illinois and Michigan, as may be necessary to procure a final decision by the said Supreme court upon the true location of the said northern and western boundaries.

Sec. 3. This ordinance is hereby declared to be irrevocable without the consent of the United States.

No. 2.

Extract from the ordinance for the government of the Territory of the United States northwest of the river Ohio, passed July 13, 1787.

It is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five states, and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established, as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, and by a direct line due north from the mouth of the Great Miami to the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if Congress shall hereafter find it expedient,

they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles.

Extract from the Act of Virginia of thirtieth December, 1788.

The 5th article as above is recited and then declares:

"And [whereas] it is expedient that this commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original states and the people and states in the said tertitory,

Be it therefore enacted by the general assembly, That the aforecited article of compact between the original states and the people and states in the territory northwest of Ohio river, be and the same is hereby ratified and confirmed."

No. 3.

AN ACT to define the boundaries of the State of Iowa, and to repeal so much of the act of the 3d March, 1845, as relates to the boundaries of Iowa, approved August 4, 1846.

Sec. 2. "That the question which has heretofore been the subject matter of controversy and dispute between the State of Missouri and the Territory of Iowa, respecting the precise location of the northern boundary line of the State of Missouri, shall be, and the same is hereby referred to the Supreme Court of the United States for adjudication and settlement, in accordance with the act of the legislature of Missouri, approved March 25, 1845, and the memorial of the Council and House of Representatives of the Territory of Iowa, approved January seventeen, eighteen hundred and forty-six, by which both parties have agreed to the commencement and speedy determination of such suit as may be necessary to procure a final decision by the Supreme Court of the United States upon the true location of the northern boundary of that State;" "and the said Supreme Court is hereby invested with all the power and authority necessary to the performance of the duty imposed by this section.

NO. 4.

Extract from an act of Congress to divide the Indiana territory into two separate governments, approved January 11, 1805.

Sec. 1. That all that part of the Indiana territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it intersects Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan.

Sec. 2. The inhabitants thereof shall be entitled to and enjoy, all and singular, the rights, privileges and advantages granted and secured to the people of the territory of the U. S. northwest of the river Ohio, by the said ordinance."

NO. 5.

Report of the committee on Territorial Affairs to whom was referred so much of the Governor's message as relates to a State Government, and the proceedings of a meeting held at Madison, on the subject.

The committee on territorial affairs, to whom was referred so much of the Governor's message as relates to the formation of a State government and to whom was referred the proceedings of a meeting of citizens of Wisconsin, held at Madison on the 3d instant, on the same subject; and on the question of annexing to the future State of Wisconsin, so much of the Territory now under the jurisdiction of the State of Illinois, as lies north of a line drawn east and west through the southerly bend or extreme of Lake Michigan, beg leave to

REPORT:

That they have given these subjects a careful and attentive consideration. A majority of your committee are of opinion that as to the question of expediency, in forming a State government, including the territory above alluded to, now under the jurisdiction of Illinois, the subject should be submitted to the people of Wisconsin, and by them decided. The right of forming a State government with that territory, when the population amounts to sixty thousand or upwards, and claiming an admission into the Union under the ordinance of 1787, is one of question, the expediency of doing it is another question.

Your committee do not propose to discuss the advantages or disadvantages to be derived from annexing this territory to Wisconsin, but believe that when the question is submitted to the people, it will be by them discussed, understood, and properly decided. That a community can surrender or give up rights secured to them by law, will readily be admitted, but whether it is expedient, or for the interest of the people of this territory to relinquish any rights they may have under the ordinance of 1787, is for them to determine, when the question is brought before them; and whatever may be the individual opinions of the committee on this subject, it cannot affect its ultimate decision.

As to the question of right, in extending jurisdiction over this territory, and making the same a part of the future State of Wisconsin, your committee have little difficulty in coming to a conclusion. The ordinance of 1787 can be regarded in no other light than as a solemn compact entered into between the thirteen original States, and the people and future State of Wisconsin in common with the people and States to be formed in the north-western territory, as expressed in so many words in the ordinance itself, and Congress can no more repeal,

impair, or affect any right secured under that compact, by any enactment of theirs, than they could repeal the plainest provision of the constitution itself.

To use the language of a distinguished statesman on the floor of Congress, during the controversy between Ohio and the territory of Michigan, "It is a compact as binding as any that was ever ratified by God in heaven—it cannot be annulled—it is as firm as the world, and immutable as eternal justice."

The next inquiry then arises, was the southern boundary of the two northern States fixed by the ordinance, or was it only a limit as to the extent of these states at the south, with a discretion left with Con- to fix this line at any point north of the sauthern bend or extreme of lake Michigan? The following is the language of the ordinance:

"There shall be formed, in the said territory, not less than three, nor more than five States; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western States in said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line; the Wabash from Post Vincents to the Ohio; by the Ohio; by a direct line drawn due north from the mouth of the Great Miami to the said territorial line; and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan."

Your committee are aware that it has been contended, by some that the proviso in the above article, only limits the extent of the two northern States on the south; but, taken in connection with the whole context and object of the ordinance, we cannot conceive that such was the intention of the framers of that article, or is within the meaning and spirit of the language itself.

The boundaries of the western, middle, and eastern States are particularly and definitely fixed, and the only discretion intended to be left with Congress was as to the formation of three or five states in the whole territory; besides, in the express language of the proviso, if two northern states should be created, Congress should have authority

to form them into that part of said territory north of an east and west line through the southern bend of lake Michigan.. Was it intended by the language that two states, however small, might be formed somewhere north of this line, and that the balance of this northern tract however large, might be attached to the three southern States; or is it the fair and proper construction of the language that the two northern states should be formed out of, and comprise the whole of the territory north of this line? We cannot for a moment doubt that the latter was the intention, and is the only fair construction, of the language, otherwise it was useless to insert the provision at all, so far as the boundary of the two northern states are concerned.

This, however is not a new question; and if the opinions of some of the ables jurists in our country are to be regarded, we must consider the point settled. Chancellor Kent, in his opinion given on certain points submitted to him by the Governor of Michigan, cals this proviso in the 5th article. "a clear stipulation than an east and west line drawn through the southerly bend or extreme of lake Michigan was to be the boundary line between the three states, and any new state or States that might be formed north of that line, and that stipulation was binding until withdrawn by common consent."

If this is the proper construction of that portion of the ordinance—and it seems to have been so well settled by high authority, and the consent of public opinion, that it cannot now be well controverted—then it is certain that no acts of Congress, and no length of time that the state of Illinois may have exercised jurisdiction over this section of territory, can at all affect the rights of the citizens residing within its limits. Four states having already been created in the Northwestern Territory, it is equally clear, that when the population within the limits of the fifth shall amount to sixty thousand, that then, under a plain provision of the ordinance, its citizens have a right to form a state government, and demand an admission, "by its delegates, into the Congress of the United States, on an equal footing with the original states in all respects;" and that, too, without any previous action of Congress, provided the state constitution and government is republican, and in conformity with the principles of the ordinance.

So far as the territory claimed by Illinois is concerned, the only question is one of expediency. Shall we relinquish our right to that territory, or shall we assert it? Let the people of Wisconsin decide.

If it is for the interest, prosperity and happiness of all the inhabitants north of the line established by the ordinance, to be united together in one government, then it is our duty to assert that right. If such should be the decision of the independent freemen of Wisconsin, our course is clear, Let us maintain that right at all hazards—unite

in convention, form a State constitution, extend our jurisdiction over the disputed tract, if desired by the inhabitants there, and then, with legal right and immutable justice on our side, the moral or physical force of Illinois—of the whole Union—cannot make us retrace our steps.

Whether the proper time has now arrived for forming a state government, is a question again, upon which your committee are divided. If any considerable portion of our citizens however entertain that opinion, we deem it a measure they have a right to ask, that the question should be submitted to the people. By the proceedings of a public meeting held at the Capitol on the 3d inst, and referred to your committee, we are requested to make provision for that purpose.

In accordance with these views, we submit to the Council a bill providing for referring the question of forming a state government to the people at the next general election, and also a resolution recommending to the people of the territory, under the jurisdiction of Illinois, to hold an election at the same time on the question of uniting with us in forming a State Government.

D. A. J. UPHAM, Chairman.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Beall moved that 1000 extra copies of the report and accompanying documents be printed in pamphlet form for the use of this convention;

Which was agreed to.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Hiram Barber, J. Allen Barber, Beall, Berry, Bevans, Bowker, Boyd, Chas. E. Brown, Burchard, Burnside, Carter, Warren Chase, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Edgerton, Fitzgerald, French, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Heubschmann, N. F. Hyer, Janssen, Jenkins, Judd, Kern, Asa Kinney, Madden, Magone, Meeker, Noggle, O'Connor, Parks, Pierce, Prentiss, Mr. President, Randall, Rankin, Rogan, Seayer, Geo. B. Smith, Wm. R Smith, Steele, Toland, Turner, Tweedy, Vliet and Wilson—64.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Brace, Hiram Brown, Horace Chase,

Clothier, Giddings, Gray, Green, Hackett, Geo. B. Hall, James H. Hall, Hammond, Hunkins, Kellogg, Lovell, Manahan, Mills, Patch, Parkinson, Phelps, Ryan, A. Hyatt Smith, Soper, Marshall M. Strong, Vineyard Wakely and Whiteside—29.

George B. Smith introduced the following resolutions, which were read, to wit:

"Resolved, That no grant of money or land shall ever be made by this State, to any theological institutions whatever.

Resolved, That all laws and acts which may be passed by the legislature of this state, shall continue in force only for two years, unless re-enacted."

Mr. Holcomb introduced the following resolution which was read, to wit:

"Resolved, That a select committee of five be appointed to inquire into the expediency of dividing the Territory of Wisconsin, and locating such line of division as shall equitably divide the same into two states."

The resolution introduced by Mr. Randall on yesterday, was taken up; when

Mr. Dennis moved that the same be laid upon the table;

Which was agreed to.

No. 4. "Article on the militia,"

Was taken up and read the third time.

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes being required by the rule,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Baker, Berry, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Carter, Horace Chase, Coxe, Crawford, Dennis, Doty, Drake, Edgerton, Fitzgerald, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, Granger, Green, Hackett, George B. Hall, James H. Hall, Harkin, Hayes, Hazen, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Meeker, Noggle, O'Connor, Parkinson, Parks, Pierce, Prentiss, Mr. President, Randall, Rogan, Seaver, George B. Smith, William R. Smith, Soper, Steele, Toland, Turner, Tweedy, Vliet and Wilson—67.

Those who voted in the negative were,

Messrs. J. Allen Barber, Bevans, Brace, Hiram Brown, Warren Chase, Clothier, Cruson, Gray, Hammond, Hicks, Hunkins, Kellogg, Lovell, Madden, MaGone, Mannahan, Mills, Patch, Phelps, Rankin, Ryan, A. Hyatt Smith, Marshall M. Strong, Vineyard, Wakely and Whiteside—26.

So the article passed,

And the title thereof was agreed to.

The convention then resolved itself into the committee of the whole for the consideration of

No. 6. "Article on taxation, finance and the public debt;"

Nathaniel F. Hyer in the chair,

And after some time spent therein, rose and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Charles E. Brown,

The convention took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The convention again resolved itself into committee of the whole for the further consideration of

No. 6. "Article on taxation, finance and the public debt," and

No. 5. "Article relative to internal improvements;"

Nathaniel F. Hyer in the chair.

And after some time spent therein, rose and by their chairman reported,

No. 6. "Article on taxation, finance and public debt;" and

No. 5. "Article relative to internal improvements,"

Back, with amendments to each.

Mr. Ryan moved that the secretary be directed to make out a fair copy of article No. 6, as amended;

Which was agreed to.

Mr. Prentiss asked leave of absence for Mr. Turner.

Leave was granted.

On motion of Mr. Judd,

The convention adjourned.

FRIDAY, Oct. 30, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Bevans asked leave of absence for Messrs. Cruson and Vineyard.

Leave was granted.

Mr. Agry, from the committee on the Executive of State, reported No. 18. "Article on the Executive of the State."

The committee "on the Executive of State," report for adoption the following articles:

ARTICLE:

EXECUTIVE.

Sec. 1. The Executive power shall be vested in a Governor, who shall hold office for two years; a Lieutenant Governor shall be elected at the same time and for the same term.

Sec. 2. No person, except a citizen of the United States, and a qualified elector of this State, shall be eligible to the office of Governor, or of Lieutenant Governor.

Sec. 2. The Governor and Lieutenant Governor shall be elected at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant governor, the two houses of the legislature at its next annual session, shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor

or lieutenant governor. The returns of election for governor and lieutenant governor shal. be made in such manner as shall be prescribed by law.

Sec, 4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the legislature on extraordinary occasions. He shall communicate by message to the legislature at every session, the condition of the state and recommend such matters to them, for their consideration, as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws are faithfully executed.

Sec. 4. The governor shall receive as a compensation for his services annually the sum of one thousand and five hundred dollars, to be paid in equal quarterly payments.

Sec. 6. The governor shall have power to grant reprieves and pardons after conviction for all offences except treason and cases of impeachment. He may commute sentence of death to imprisonment in a state prison for life, He may grant pardons upon such conditions and with such restrictions and limitations as he may think proper.—Upon convictions for treason, he shall have power to suspend the sentence until the case shall be reported to the legislature at its next session, He shall communicate to the legislature by message each such case of reprieve, commutation and pardon by him granted since the next previous session of the legislature, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date and conditions of the commutation, pardon or reprieve.

Sec. 7. In case of the impeachment of the governor, or his removal from, office, death, inability from mental or physical disease, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor absent or impeached, shall return or the disability shall cease. But when the governor, shall with the consent of the legislature, be out of the state in time of war at the head of the military force thereof, he shall still continue commander-in-chief of all the military force of the state.

Sec. 8. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or from mental or phyical disease become incapable of performing his duties, or be absent from the state, the secretary of state shall act as governor until the vacancy shall be filled or the disability shall cease.

Sec. 9. The lieutenant governor shall receive for dollars for every days' attendance as president of the senate, and the same mileage as shall be allowed to members of the legislature.

Sec. 10. The governor and lieutenant governor or either of them shall not ex-officio or otherwise, ho'd any other office of trust, honor, profit or emolument under this state or the United States, or any other state of the Union, or any foreign state or government.

Sec. 11. Every provision in the constitution and laws in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by other officers or persons towards him, shall be construed to extend to the person administering for the time being the government of the state.

Sec. 12. Every bill which shall have passed the legislature, shall before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present, it shall become a law. But in all cases the votes of both houses shall be determined by yeas and nays, and the names voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays exbepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

ARTICLE.

ADMINISTRATIVE.

Sec. 1. A secretary of state, a treasurer, an auditor, and an attorney general, shall be elected at the times and places of choosing governor and lieutenant governor, and shall hold their offices for the term of two years.

Sec. 2. The secretary of state shall keep a fair record of the official adts of the legislative and executive departments of the state;

and shall when required, lay the same, and all matters relative thereto, before either branch of the legislature; and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services, yearly, the sum of twelve hundred dollars to be paid in equal quarterly payments.

Sec. 3. The powers and duties of the treasurer, auditor, and attorney general shall be prescribed by law. Each of said officers shall receive as a compensation for his services yearly, the sum of one thousand dollars, to be paid in equal quarterly payments.

Sec. 4. No officer named in this article shall change, take or receive to his own use, any fees or perquisites in his office. The legislature shall not grant or allow to any such officer any extra compensation under any pretence or in any form whatever.

Sec. 5. Any qualified elector shall be eligible to either office created by this article.

Respectfully submitted.

GEO. REED, Chairman.

Which was read the first and second times, referred to the committee of the whole, and ordered to be printed.

Warren Chase, from the select committee to whom a resolution had been referred, relative to the amount of real estate to be owned by one individual, made the following report, to wit:

The committee to whom was referred the subject of limiting the amount of land which any individual shall own within this state, have instructed me to

REPORT.

That they believe the government travelling out of its legitimate duties, when it establishes and fosters a system of exclusive ownership or jurisdiction of the soil.

That they believe the earth to belong to all mankind, and that each has a natural right to life, and to a place to live.

That they believe the system as now practiced by the United States government, of selling land in unlimited quantities to individuals for speculative purposes, to be not only wrong in principle, but very inju-

rious in its operations upon the settlement of the western states and territories.

That they believe the settlement of this territory to be materially retarded by the large amount of lands owned by non-residents, to the exclusion of many landless citizens.

That they believe the government not protecting the best interests of the country by allowing individuals to purchase and hold real estate for purposes of speculation to the exclusion of actual settlers who want the same for purposes of cultivation.

Notwithstanding your committee entertain these opinions, yet they deem it inexpedient at this time to incorporate in the constitution a clause to limit the amount of real estate which any individual may hold within this state while the government of the United States is in the daily practice of selling lands within our borders to individuals in unlimited quantities. Your committee believe the reform should commence with the U. S. government in the sale of public lands, and should then be carried out by this and other states in their constitutions. We therefore report, recommending no article on the subject for adoption in this constitution.

W. CHASE, Chairman.
C. H. PARSONS.

The said report was accepted,

And the committee discharged from the further consideration of the subject.

Mr. Judd, from the committee on taxation, finance and the public debt, to whom was referred the resolution relative to the sale of spirituous liquors, reported

No. 19. "Article relative to sale of spirituous liquors in this state."

ARTICLE

ON LICENSE.

Sec. 1. The legislature shall have no power to pass any law granting License for the sale of spirituous liquors in this State.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Warren Chase introduced the following resolution, which was read, to wit:

"Resolved, That the committee on miscellaneous provisions be instructed to report an article to prohibit any lease of agricultural lands for a longer time than ——— years."

John Y. Smith introduced the following resolution, which was read, to wit:

"Resolved, That the committee on miscellaneous provisions be, and hereby are instructed to enquire into the expediency of providing, in this constitution, that the state shall be liable to civil actions in law and equity, in the same manner as individual citizens."

The reso'ution,

No. 1., introduced by Geo. B. Smith, on yesterday, was then taken up, when

Mr. Magone moved that the same be referred to the committee on schoo's.

Which was agreed to.

The resolution,

No. 2., introduced by Geo. B. Smith, relative to the time that laws should continue in force without being re-enacted; was taken up when

Asa Kinney moved that the same be laid upon the table,

Which was agreed to.

The resolution introduced by Mr. Holcomb on yesterday, was taken up and adopted.

The President announced the appointment of the following committee, to whom said resolution was referred, to wit:

Messrs. Holcomb, Baird, Magone. Whiteside and Hackett.

No. 6. "Article on finance, taxation and the public debt," was taken up,

And the question being on concurring in the amendments reported by the committee of the whole,

Mr. Judd called for a division of the question,

And the question having been put,

On concurring in the fifth amendment of the committee of the whole, which was to strike out the 1st section of the article on taxation, and inserting the following:

"Sec. 1. All taxes levied upon property in this state at any time, shall be in equal ratio to the value thereof, as near as may be, and no capitation or other poll tax shall be levied for highway labor."

It was decided in the affirmative,

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, J. M. Babcock, Baird, Hiram Barber, J. Allen Barber, Berry, Bevans, Bowen, Bowker, Chas. E. Brown, Hiram Brown, Horace Chase, Warren Chase, Clothier, Crawford, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Gray, Green, Hackett, James H. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, Inman, James, Janssen, Jenkins, Kellogg, Kern, Asa Kinney, Lovell, Madden, MaGone, Noggle, Patch, Parsons, Pierce, Randall, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Tweedy and Whiteside—63.

Those who voted in the negative were,

Messrs. Beall, Boyd, Burnside, Dennis, Doty, Drake, Edgerton Giddings, Granger, Geo. B. Hall, Hill, N. F. Hyer, Judd, Manahan, Meeker, Parkinson, Parks, Prentiss, Mr. President, Rankin, Seaver, Wm. R. Smith, Toland, Wakely, and Wilson—25.

The second amendment of the committee of the whole, which was to strike out the second section of said article,

Was then concurred in.

And the question having been put,

On concurring in the third amendment of the committee of the whole, which was to strike out the third section of said article.

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John, M. Babcock, Baird, Bevans, Bowen, Chas. E. Brown, Hiram Brown, Carter, Horace Chase, Clothier, Dennis, Edgerton, Fitzgerald, French, Fuller, Gibson, Gillmore, Graham, Gray, Green, George B. Hall, James H. Hall, Hammond, Hicks, Hunkins, Inman, Jenkins, Kellogg, Asa Kinney, Lovell, Madden, Magone, Patch, Parks, Parsons, Prentiss, Mr. President, Randall, Rogan, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Tweedy, Wakeley and Whiteside—50.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Berry, Bowker, Boyd, Burnside, Warren Chase, Crawford, Doty, Drake, Dunning, Elmore, Giddings, Goodell, Goodrich, Granger, Hackett, Harkin, Hazen, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, James, Janssen, Judd, Kern, Manahan, Meeker, Noggle, Parkinson, Pierce, Rankin, Seaver, Sewell Smith, Toland and Wilson—38.

The 4th amendment of the committee of the whole, which was to insert after the word "state," in the 4th line of said article, the words

"established by law, and supported by any public school fund."

Was concurred in.

The question then being on concurring in the fifth amendment of the committee of the whole:

Which was to strike out all after the word "grounds," in the 2nd line of 5th section, to the word "shall" in the same section when

Mr. Heubschman moved to amend the amendment by inserting in the first line of section 5, after the word "God," the words "and all military halls and houses used by volunteer companies for training and military exercises."

And the question having been put,

It was decided in the negative,

And a division having been called for,

There were 28 in the affirmative, negative not counted.

Mr. Hazen moved to amend the 5th section, as reported by the committee of the whole,

By inserting after the word "occupied," in the first line thereof, the word "exclusively."

Which was decided in the negative.

And a division having been called for,

There were 30 in the affirmative, and 45 in the negative.

A. Hyatt Smith moved to amend the report of the committee of the whole,

By inserting before the word "public," in the first line of the fifth section, the word "free."

Which was disagreed to.

The amendment of the committee of the whole to the fifth section was then concurred in,

The second division of the said article,

Being article on Finance,

Was then taken up,

And the first and second amendments of the committee of the whole thereto,

Were concurred in.

The third division of the said article,

Being article on the Public Debt,

Was taken up, when

Mr. Lovell moved to amend the amendment of the committee of the whole to the second section of the said article, by striking out the words "in time of war, to repel invasion, or to suppress insurrection or rebellion, the foregoing provisions of this section shall not be in force."

Which was agreed to.

The amendment of the committee of the whole to said section, as amended,

Was then concurred in.

The amendment of the committee of the whole to the 3d section of said article,

Which was to strike out the whole of the original section,

Was then taken up,

And the question having been put,

On concurring in the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Berry, Bevans, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Crawford, Elmore, French, Giddings, Gray, Green, Hackett, James H. Hall, Hammond, Harkin, Hays, Hesk, Hicks, Holcomb, Hunkins, Inman, Janssen, Jenkins, Kern, Lovell, Madden, Magone, Manahan, O'Connor, Patch, Parsons, Phelps, Pierce, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong and Whiteside—43.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Hiram Barber, J. A. Barber, Beall, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Dennis, Doty, Drake, Dunning, Edgerton, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, George B. Hall, Hazen, Hill, Heubschmann, N. F. Hyer, Judd, Kellogg, Asa Kinney, Meeker, Noggle, Parkinson, Parks, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, Wm. R. Smith, Toland, Tweedy, Vliet, Wakely and Wi son—49.

Mr. Judd moved that the said vote be reconsidered.

Mr. Hunkins moved that the said motion be laid on the table.

Which was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Hiram Barber, Berry, Bevans, Bowen, Boyd, Hiram Brown, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Crawford, Dunning, Elmore, French, Giddings, Granger, Gray, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Hunkins, Inman, Janssen, Jenkins, Kern, Madden, Manahan, Patch, Parks, Parsons, Phelps, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Wakely and Whiteside—50.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, J. Allen Barber, Beall,

Bowker, Charles E. Brown, Burchard, Burnside, Dennis, Doty, Drake, Edgerton, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Hazen, Heubschmann, Nathaniel F. Hyer, James, Judd, Kellogg, Asa Kinney, MaGone, Meeker, Noggle, O'Connor, Parkinson, Pierce, Prentiss, Randall, Rankin, Seaver, George B. Smith, William R. Smith, Toland, Tweedy, Vliet and Wilson—42.

The third amendment of the committee of the whole to said article,

Was then taken up,

Which was to add a new section as follows:

"On the final passage in either house of the legislature of every act which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues, or renews any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by ayes and noes, which shall be duly entered on the journals, and three fifths of all the members elected to either house, shall in all such cases, be necessary to constitute a quorum therein."

And the question having been put,

On concurring in the said amendment,

It was decided in the affirmative.

The fourth amendment reported by the committee of the whole,

Was then taken up,

Which was to add a new section as follows:

"Sec. . The money arising from any loan made, or debt and liability contracted, shall be applied to the object specified in the act, authorizing such debt or liability, and for no other purpose whatever."

And the question having been put,

On concurring in the said amendment,

It was decided in the affirmative.

The question having been taken on all of the amendments separately, and the whole report being before the convention and open for amendment,

Mr. Judd moved to amend by striking out the whole article on Taxation.

Mr. Ryan moved to amend by striking out the third section, and inserting the following as a substitute therefor.

"Sec. 3. The legislature shall have power to exempt from taxation all houses erected and occupied for the public worship of God, and all public burying grounds and all property of the State."

Which was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Beyans, Warren Chase, Coxe, Crawford, Elmore, Giddings,

Gray, Heubschmann, N. F. Hyer, Janssen, Jenkins, Kellogg, Kern, Madden, Parsons, Pierce, Ryan, Seayer, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, Soper, Tweedy, and Whiteside—24.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowen, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Carter, Horace Chase, Clothier, Dennis, Doty, Drake, Dunning, Edgerton, French, Fuller, Gibson, Gillmore, Goodell, Graham, Granger, Green, Hackett, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Hunkins, Inman, James, Judd, Asa Kinney, Lovell, Magone, Manahan, Meeker, Noggle, O'Connor, Patch, Parkinson, Parks, Phelps, Prentiss, Mr. President, Rankin, Rogan, Sewall Smith, Wm. R Smith, Marshall M. Strong, Toland, Vliet, Wakely and Wilson—67.

John Y. Smith moved to amend the 1st section of said article, by striking out all after the word "all," and inserting the following:

"Taxes, excepting poll taxes for highway labor in this state, shall be levied upon property indiscriminately, and shall be as nearly equal in proportion to the value thereof as may be: Provided, that the legislature shall have power to exempt from taxation, such public property as they may deem expedient."

Mr. Goodell moved that the further consideration of said article be postponed until Tuesday next, and that it be made the special order of the day for that day, and be printed.

Which was disagreed to,

The question then recurred on the amendment of John Y. Smith.

And having been put,

It was decided in the negative.

Mr. Elmore moved that the convention adjourn,

Which was disagreed to.

Mr. Magone moved that the further consideration of said article be postponed until 2 o'clock, P. M.

Which was disagreed to.

And a division having been called for,

There were 32 in the affirmative, negative. not counted.

Nr. Hayes moved to amend the said article by striking out all after the first section,

Which was disagreed to.

The question then recurred on the motion of

Mr. Judd, to strike out the whole article,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. J. M. Babcock, J. Allen Barber, Beall, Bowker, Burchard, Burnside, Carter, Warren Chase, Coxe, Dennis, Doty, Edgerton, French, Giddings, Gilmore, Goodell, Goodrich, Graham, Granger, Gray, Geo. B. Hall, James H. Hall, Hesk, Hicks, Hill, Heubschmann, N. F. Hyer, Janssen, Judd, Kellogg, Kern, Lovell, Meeker, Noggle, Patch, Parkinson, Parks, Parsons, Pierce, Rankin, Seaver. Geo. B. Smith, John Y. Smith, Marshall M. Strong, Toland, Tweedy, Vliet and Wakely—43.

Those who voted in the negative, were

Messrs. Atwood, Baird, Hiram Barber, Berry, Bevans, Bowen, Boyd, Chas. E. Brown, Hiram Brown, Horace Chase, Crawford, Drake, Elmore, Fuller, Gibson, Green, Hammond, Harkin, Hayes, Hazen, Holcomb, Hunkins, Inman, James, Jenkins, Asa Kinney, Madden, Magone, Phelps, Prentiss, Mr. President Rogan, Ryan, A. Hyett Smith, Sewell Smith, Wm. R. Smith and Whiteside—37.

On motion of Mr. Whiteside,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Mr. Lovell moved to amend the first section of the article on public debt, by inserting after the word "except," the words, "to defend the state in time of war, to repel invasion, or to suppress insurrection and rebellion, and"—

Which was agreed to.

Mr. Gray moved to amend the third section by inserting after the word "therein," in the 5th line, the words, "provided that any debt so contracted shall not exceed in amount the value of all the lands that remain unsold, that has or may be appropriated by any act or acts of Congress, for the purpose of internal improvement in this state."

Which was agreed to.

Mr. Ryan moved to amend the third section by inserting between the words, "shall," and the word "at," in the 6th line, the words, "have been passed by two successive legislatures, by a majority of all the members elected of each house respectively, to be ascertained by yeas and nays, to be recorded on the journal of each house, nor until it shall."

Mr. Judd moved to amend the amendment by striking out all after the word "have," in the first line, and inserting the words "pass two successive sessions of the legislature of this state, and shall have been submitted at a general election."

And the question having been put on the said amendment,

It was decided in the negative.

The question then recurred on the amendment of Mr. Ryan,

And having been put,

Was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Bevans, Boyd, Chas. E. Brown, Hiram Brown, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Crawford, Doty, Drake, Elmore, French, Gibson, Giddings, Goodrich, Green, Hackett, George B. Hall, James H. Hall, Harkin, Hayes, Hazen, Hesk, Hill, Holcomb, Hunkins, Inman, James, Janssen, Jenkins, Kellogg, Lovell, Madden, Magone, Manahan, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, Mr. President, Randall, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Wakely and Whiteside—61.

Those who voted in the negative, were

Messrs. John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Bowen, Bowker, Burchard, Burnside, Dennis, Dunning, Edgerton, Fuller, Goodell, Graham, Gray, Hicks, Heubschmann, Judd, Asa Kinney, Meeker, Wm. R. Smith, Vliet and Wilson—24.

Mr. Ryan moved further to amend the 3rd section, by striking out the words, "upon that subject," in the last line of the first paragraph and inserting instead thereof the following:

"Every law authorizing any public debt under this section, shall establish an annual tax sufficient to pay the interest of such debt, to be levied annually until such debt shall be discharged; and also a tax sufficient to pay the principal of such debt within twenty years, and specially appropriate such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor such taxes repealed, postponed or diminished until such debt shall be wholly discharged."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Bevans, Crawford, Elmore, Giddings, Hackett, Harkin, Jenkins, Lovell, Madden, Ryan, A. Hyatt Smith, John Y. Smith and Soper—13.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Dennis, Doty, Drake, Dunning, Edgerton, French, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, Gray, Green, George B. Hall, James H. Hall, Hammond, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Nathaniel F. Hyer, Inman, Janssen, Judd, Kellogg, Asa Kinney, Magone, Manahan, Meeker, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, Mr. President, Randall, Rankin, Rogan, Seaver, Sewall Smith, Wm. R. Smith, Marshall M. Strong, Toland, Tweedy, Vliet, Wakeley, Whiteside and Wilson—75.

Mr. Ryan moved further to amend the 3rd section by striking out the words "upon thrt subject," in the last line of the first paragraph.

Which was decided in the negative.

Mr. Elmore moved to amend the 3rd section by striking out all after the word "State," where it first occurs in the section.

Which was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmattve, were

Messrs. Berry, Bevans, Carter, Horace Chase, Warren Chase, Coxe, Crawford, Elmore, Fitzgerald, French, Fuller, Giddings, Gray, Green, Hackett, James H. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, Hunkins, Inman, Janssen, Jenkins, Kellogg, Lovell, Madden, Magone, Patch, Parsons, Pierce, Randall, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Steele, Marshall M. Strong, Toland, Whiteside and Wilson—43.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Bowen, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Clothier, Dennis, Doty, Drake, Dunning, Edgerton, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, George B. Hall, Hazen, Hesk, Heubschmann, Nathaniel F. Hyer, James, Judd, Asa Kinney, Manahan, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Mr. President, Rankin, Rogan, Seaver, Wm. R. Smith, Tweedy, Vliet and Wakeley—47.

A. Hyatt Smith moved to amend by striking out the whole of the 3rd section.

Mr. Tweedy moved a call of the house,

Which was ordered; and

Messrs. Agry, Bowker, Clark, Kern, Mills, Phelps, Prentiss, Reed and Soper reported absent.

Messrs. Kern, Mills, and Clark were excused from their attendance in the convention.

Mr. Dennis moved that all further proceedings under the call be dispensed with,

Several of the absentees having appeared in their seats.

Which was decided in the affirmative.

And a division having been called for,

There were 43 in the affirmative, and 34 in the negative.

The question was then put on the amendment of A. Hyatt Smith,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, John M. Babbock, Berry, Bevans, Carter, Horace Chase, Warren Chase, Clothier, Coxe, Crawford, Elmore, Fitzgerald, French, Fuller, Giddings, Gray, Green, Hackett, James H. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, Hunkins, Inman, James, Janssen, Jenkins, Kellogg, Lovell, Madden, MaGone, Patch, Parsons, Phelps, Pierce, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Soper, Steele, Marshall M. Strong, Toland, Whiteside and Wilson—47.

Those who voted in the negative were,

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Dennis, Doty, Drake, Dunning, Edgerton, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, George B. Hall, Hazen, Hesk, Hill, Heubschmann, N. F. Hyer, Judd, Asa Kinney, Manahan, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Rogan, Seaver, Sewall Smith, William R. Smith, Tweedy, Vliet and Wakely—51.

Mr. Tweedy moved to amend the 3rd section by inserting after the word "subject," the word, "provided that the aggregate of all debts so contracted, for any object, shall not at any time exceed the value of the lands appropriated for such object, then remaining unsold, estimating the same at one dollar per acre, and provided that the proceeds of all such lands when sold, shall be applied to the payment of the debts so contracted."

Marshall M. Strong moved to amend the amendment by striking out the words "one dollar," and inserting the words "fifty cents," in lieu thereof.

And the question having been put on the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, John M. Babcock, Berry, Bevans, Bowen, Hiram Brown, Carter, Horace Chase, Warren Chase, Coxe, Crawford, Elmore, Fitzgerald, French, Fuller, Giddings, Green, Hackett, James H. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, Hunkins, Inman, Janssen, Jenkins, Kellogg, Lovell, Madden, Magone, Manahan, Patch, Parkinson, Parsons, Phelps, Pierce, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Soper, Steele, Marshall M. Strong, Toland, Whiteside and Wilson—48.

Those who voted in the negative, were

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Dennis, Doty, Drake, Dunning, Edgerton, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, Gray, George B. Hall, Hazen, Hesk, Hill, Heubschmann, Nathaniel F. Hyer, James, Judd, Asa Kinney, Meeker, Moore, Noggle, O'Connor, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Rogan, Seaver, Sewall Smith, Wm. R. Smith, Tweedy, Vliet and Wakeley—49.

Mr. O'Connor moved to amend the amendment by striking out the words, "one dollar," and inserting the words, "seventy-five cents," in lieu thereof;

Which was accepted by Mr. Tweedy, as a modification to his amendment.

And the question having been put on the said amendment, as modified,

It was decided in the affirmative.

Mr. Tweedy moved further to amend by adding the following additional section, to wit:

"Sec. The avails of all lands which have been, or shall hereafter be ceded by the United States to the Territory or State of Wisconsin, for the purposes of internal improvement, and so much of the nett proceeds of the public lands lying within this State, as shall be hereafter paid to this state by the United States, for the purpose of making public roads and canals in this State, shall be appropriated to the purposes for which the same shall have been granted by Congress, and no portion of such property or fund, or of the revenues thereof, shall ever be loaned, borrowed, or used by this state, for any other purpose whatever.

And pending the question on said amendment,

On motion of Mr. Steele,

The Convention adjourned.

SATURDAY, October 31, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

A. Hyatt Smith presented the contract of A. A. Bird, with the Superintendent of Territorial Property for preparing the room for the use of this convention;

Which was, on his motion,

Referred to the committee on the expenses of the convention.

The president laid before the convention the report of the clerk of the district court of Green county, and

The secretary, that of the clerk of the district court of Iowa county, in answer to a resolution of this convention;

Which was read.

Mr. Noggle introduced the following resolution, which was read, to wit:

"Resolved, That the committee on education, schools and school funds, be instructed to report an article, donating to the common school fund, all the lands heretofore appropriated, or hereafter appropriated and not otherwise disposed of by Congress or by law."

Mr. Reed introduced the following resolution, which was read, to wit:

"Resolved, That a select committee of five be appointed by the president to take into consideration the subject of any grant or grants of lands which have hitherto been, or may hereafter be tendered or made to this state, to aid in the construction of any work or works of internal improvements, and to report an article prescricing the powers of the legislature upon the same."

Mr. Dennis asked that leave of absence be granted to Mr. Rogan.

Leave was granted.

Mr. Magone introduced the following resolution, which was read, to wit:

"Resolved, That members who absent themselves without leave of absence, or a reasonable excuse, during the sitting of the convention, shall for each day so absent, be fined in a sum not less than dollars."

Resolution No. 1, of yesterday was taken up; when

Mr. Burchard moved that said resolution be indefinitely postponed.

Nathaniel F. Hyer moved that said resolution be referred to the com-

mittee on miscellaneous provisions not embraced in the subject committed to other committees.

The president decided that under the rules the last motion would be first in order.

And the question having been put on said motion,

It was decided in the affirmative.

Resolution No. 2, of yesterday,

Was then taken up and adopted.

No. 6. "Article on taxation, finance and the pulic debt,"

Was then taken up; when

Mr. Ryan moved that the said article together with

No. 5 and 7, be referred to a special committee of seven, to report the same back with instructions to inquire into the expediency of remodeling the same on the following principles:

1st. Power to the legislature to pass special acts of incorporation for internal improvements.

2nd. The state to be restricted to such works of internal improvements as grants are made in aid of, but no power to contract any debt or liability.

3rd. All lands not specially dedicated, to be added to the school fund.

Mr. Hicks moved that said articles be postponed until one week from Monday next, and that they be made the special order of the day for that day.

Which was disagreed to.

Mr. Randall moved to amend the motion of Mr. Ryan, by adding, 'and that said report be printed and made the special order of the day for Monday, the ninth day of November next."

Mr. Bevans moved to amend the amendment by striking out all after the word "printed;"

Which was agreed to.

The question was then put on adopting the amendment as amended,

And was decided in the affirmative.

The motion of Mr. Ryan as amended, was then agreed to.

Mr. Giddings, by leave, introduced the following resolution, which was read, to wit:

"Resolved, That the following be inserted as an article or section in the constitution of this state:"

That all moneys arising from the sale of the lands which have or may be given to this state for the purposes of internal improvement, except such as are given for a specific purpose, and the five per centum arising from the sale of the public lands, shall be apportioned by the legislature among the several counties in this state in the following

manner, and no other: One half thereof shall be distributed among the several counties giving each county an equal sum: the other half to be distributed among the several counties in proportion to the population therein, to be ascertained by the census last taken before such distribution, the monies to be used by each county for internal improvements therein, in such manner as the inhabitants may direct."

Mr. Steele from the committee on miscellaneous provisons reported,

No. 20. "Article to abolish death as a capital punishment."

ARTICLE.

Section 1. Death as a penalty, is forever prohibited within the limits of this State.

Sec. 2. The legislature shall in all cases where the death penalty is ordinarily inflicted, impose instead thereof, close and solitary confinement for life in the states' prison, without the power of pardon, reprieve, or commutation.

E. STEELE, Ch'n Mis. Com.
J. D. DOTY,
W. CHASE.

Which was read the first and seconcd times, referred to the committee of the whole, and ordered to be printed.

Mr. Ryan moved to adjourn.

Which was disagreed to.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Agry, Bevans, Brace, Horace Chase, Coxe, Elmore, French, Fuller, Graham, Geo. B. Hall, Hammond, Hicks, Hunkins, Inman, Lovell, MaGone, Noggle, O'Connor, Mr President, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Steele, and Whiteside—25.

Those who voted in the negative were,

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowen, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard,

Burnside, Carter, Warren Chase, Clothier, Crawford, Dennis, Doty, Drake, Edgerton, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Gray, Green, Hackett, James H. Hall, Harkin, Hayes, Hazen, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, James, Janssen, Kellogg, Asa Kinney, Madden, Meeker, Moore, Patch, Parkinson, Parsons, Pierce, Prentiss, Randall, Rankin, Seaver, Sewall Smith, Wm. R. Smith, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely, and Wilson—63.

Nathaniel F. Hyer moved that the convention adjourn.

Which was disagreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 8. "Article on amendments and revision."

John Y. Smith in the chair.

And after some time spent therein, the committee rose, and by their chairman reported the said article back to the convention with amendments.

And the question being on concurring in the report of the committee,

A division of the question was called for,

And the qeestion having been put on concurring in the first amendment reported by the committee, which was to "amend the first section by striking out the word 'thereon,' in the 9th printed line, and inserting instead, the words "at such election,"

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, John M. Babcock, Baird, Hiram Barber, Beall, Bevans, Brace, Charles E. Brown, Coxe, Doty, Fuller, Goodrich, Hackett, George B. Hall, Hammond, Holcomb, Inman, Janssen, Jenkins, Madden, MaGone, Meeker, Noggle, Parkinson, Pierce, Prentiss, Ryan, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Wakely and Whiteside—34.

Those who voted in the negative, were

Messrs. Atwood, J. Allen Barber, Berry, Bowen, Bowker, Boyd, Hiram Brown, Burchard, Burnside, Carter, Horace Chase, Warren Chase, Clothier, Crawford, Dennis, Drake, Edgerton, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Green, James H. Hall, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, Heubschmann, Nathaniel F. Hyer, James, Kellogg, Asa Kinney, Lovell, Moore, O'Connor, Patch, Parsons, Phelps, Mr. President, Randall, Rankin, Seaver, Steele, Marshall M. Strong, Tweedy and Vliet—51.

And the question having been put on concurring in the second amendment of the committee of the whole, which was to insert after

the word "election," in the seventh line of the printed bill, the words "in such manner as the legislature seall prescribe."

It was decided in the affirmative.

The report of the committee of the whole having been gone through with,

And the whole article being before the convention and open for amendment,

Mr. Randall moved to amend the first section by inserting after the the word "legislature," in the second line of the printed bill, the words,

"Once in every three years after the adoption of this constitution."

Asa Kinney called for the previous question.

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the adoption of the amendment of Mr. Randall,

And was decided in the negative.

The said article was then ordered to be engrossed for a third reading.

The president announced the appointment of the following committee, to whom articles Nos. five, six, and seven, had been referred, to wit:

Messrs. Ryan, William R. Smith, Noggle, Tweedy, Parks, Berry, and Doty.

Mr. Ryan moved that the convention adjourn;

Which was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. Agry, Berry, Bevans, Elmore, Fuller, Hammond, Holcomb, Inman, O'Connor, Phelps, Rankin and Ryan—12.

Those who voted in the negative, were

Messrs. Atwood, J. M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Carter, Horace Chase, Warren Chase, Coxe, Crawford, Dennis, Doty, Drake, Edgerton, Fitzgerald, French, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Green, Hackett, James H. Hall, Harkin, Hayes, Hazen, Hesk, Hill, Hunkins, N. F. Hyer, James, Janssen, Jenkins, Kellogg, Asa Kinney, Lovell, Mad-

den, Magone, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Pierce, Prentiss, Mr. President Randall, Seaver. Geo. B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith Soper, Steele, Marshall M. Strong, Toland, Tweedy, Vliet Wakely, Whiteside and Wilson—73.

On motion of Mr. Edgerton,

The convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

William R. Smith by leave introduced the following resolution,

"Resolved, That certificates of mileage, signed by the President and attested by the Secretary, be issued to each member of the convention; and that the Territorial Treasurer be authorized to pay the same out of the fund appropriated by law for defraying the expenses of the convention, and on production of said certificates by the said Treasurer, the amount of the same shall be allowed to him as a credit against any monies in his hands, appropriated as aforesaid, on the final adjustment of his accounts in relation to the said fund,

And the question having been put on the adoption of said resolution,

It was decided in the affirmative.

Mr. Dennis, from the committee on expenses, who were directed by a resolution of this convention to ascertain and report the amount due the members of the convention for mileage, made the following report;

The select committee on the expenses of the convention, to whom was referred the mileage of delegates, ask leave to make the following report, and recommend that the following sums set opposite their respective names, be allowed respectively for mileage, to wit:

	Miles.	Amount.	
Agry,	180	$28	00
Atwood,	30	6	00
John M. Babcock,	15	3	00
Barnes Babcock,	100	20	00
Baird,	140	28	00
Baker,	75	15	00
Hiram Barber,	60	12	00
J. Allen Barber,	86	17	20
Beall,	68	13	00
Bell,	80	16	00
Bennett,	105	21	00
Berry,	85	17	00
Bevans,	70	14	00
Bowen,	40	8	00
Bowker,	70	14	00
Boyd,	80	16	00
Brace,	130	26	00

	Miles.	Amount.	
Chas. E. Brown,	110	$22	00
Hiram Brown,	28	5	60
Burchard,	80	16	00
Burnett,	116	23	20
Burnside,	80	16	00
Burt,	97	19	40
Carter,	100	20	00
Chamberlain,	60	12	00
Horace Chase,	100	20	00
Warren Chase,	80	16	00
Clark,	25	5	00
Clothier,	50	10	00
Cooper,	100	20	00
Coxe,	130	26	00
Crawford,	100	20	00
Cruson,	72	14	40
Dennis,	40	8	00
Dickinson,	88	17	60
Doty,	120	24	00
Drake,	28	5	60
Dunning,	5	1	00
Edgerton,	55	11	00
Ellis,	85	17	00
Elmore,	80	16	00
Fitzgerald,	113	22	60
French,	115	23	00
Fuller,	14	2	80
Gibson,	80	16	00
Giddings,	120	24	00
Gillmore,	85	17	00
Goodell,	105	21	00
Goodrich,	220	44	00
Goodsell,	70	14	00
Graham,	100	20	00
Granger,	50	10	00
Gray,	75	15	00
Green,	40	8	00
Hackett,	60	12	00
Geo. B. Hall,	40	8	00
James H. Hall,	110	24	00
Hammond,	30	6	00
Harkin,	126	25	20
Hayes,	600	120	00
Hazen,	80	16	00
Hesk,	114	22	80
Hicks,	100	20	00
Hill,	30	6	00
Holcomb,	390	78	00
Heubschmann,	100	20	00
Hunkins,	88	17	60
George Hyer,	30	6	00
N. F. Hyer,	25	5	00
Inman,	50	10	00

	Miles.	Amount.
James,	80	$16 00
Janssen,	115	23 00
Jenkins.	42	8 40
Judd,	50	10 00
Kellogg,	110	22 00
Kern,	127	25 40
Asa Kinney.	110	22 00
Lovell,	120	24 00
Madden,	75	15 00
Magone.	100	20 00
Mannahan.	40	8 00
Meeker.	50	10 00
Mil s,	30	6 00
Moore.	80	16 00
Noggle,	60	12 00
O'Connor,	130	26 00
Patch,	40	8 00
Parkinson,	55	11 00
Parks.	55	11 00
Parsons,	100	20 00
Phelps,	40	8 00
Pierce.	60	12 00
Prentiss,	40	8 00
Mr. President,	110	20 00
Randall,	75	15 00
Rankin,	40	8 00
Reed.	55	11 00
Rogan,	40	8 00
Ryan,	100	22 00
Seaver,	75	15 00
A. Hyatt Smith,	40	8 00
Sewall Smith,	80	16 00
Wm. R. Smith,	50	10 00
Soper,	170	34 00
Steele,	120	24 00
Stockwell,	100	20 00
Marshall M. Strong,	110	22 00
Moses M. Strong.	50	10 00
Toland,	130	26 00
Topping,	75	15 00
Turner,	55	11 00
Tweedy,	100	20 00
Vineyard,	70	14 00
Vliet,	100	20 00
Wakeley,	50	10 00
White,	80	16 00
Whiteside,	60	12 00
Willard,	90	18 00
Wilson,	137	27 40

Mr. Elmore moved that the mileage of Mr. Ellis, reported by the committee at "one hundred miles," be changed to eighty,

Which was disagreed to.

Mr. Elmore then moved that said report be indefinitely postponed.

Which was disagreed to.

Mr. Phelps moved that no script, or evidence of mileage be issued to the absent members, until they shall severally give in the number of miles they have travelled.

Which was disagreed to.

The report of the committee was then adopted.

The convention then resolved itself into committee of the whole, for the consideration of the report of the select committee, relative to the collection of debts.

Mr. Magone in the chair.

And after some time spent therein, rose and by their chairman reported the same back to the convention without amendment.

Mr. Elmore moved that said report be made the special order of the day for next Saturday afternoon.

Which was decided in the affirmative.

And a division having been called for,

There were 39 in the affirmative, and 27 in the negative.

Mr. Hunkins moved that the convention adjourn,

Which was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Bowen, Hiram Brown, Burchard, Horace Chase, Crawford, Drake, Fitzgerald, French, Harkin, Hicks, Hill, Holcomb, James, Jenkins, Lovell, Moore, O'Connor, Parks, Mr, President, Rankin, Steel, Marshall M. Strong, Toland and Vliet—26.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowker, Boyd, Brace, Chas. E. Brown, Burnside, Warren Chase, Clothier, Coxe, Dennis, Doty, Edgerton, Elmore, Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, Granger, Gray, Green, Hackett, Geo. B. Hall, Hammond, Hazen, Hesk, Hunkins, Janssen, Kellogg, Asa Kinney, Madden, Magone, Meeker, Noggle, Patch, Parkinson, Parsons, Pierce, Prentiss, Randall, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, William R. Smith, Soper, Tweedy, Wakely and Wilson—56.

Mr. Magone presented the account of J. Gillet Knapp, for money advanced for lumber to repair the convention chamber, which was, on his motion,

Referred to the committee on the expenses of the convention.

On motion,

The convention adjourned.

MONDAY, NOVEMBER 2nd, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Dennis moved to amend the report of the committee on mileage of members,

By striking out the number "one hundred," in the mileage allowed to Mr. Wilson, and insert "one hundred and thirty-seven."

Which was agreed to.

Leave of absence was asked for and granted to members of this convention as follows:

By Marshall M. Strong, for Messrs. Parsons and Kellogg.

By Mr. Parks, for Mr. Reed.

By Mr. Parkinson, for Mr. Burnside.

Mr. Phelps presented the account of Darwin Clark, for desks furnished for the use of this convention, which, on his motion, was referred to the committee on the expenses of this convention.

Marshall M. Strong, from the committee on engrossment, reported,

No. 8, "Article on amendments and revision,"

As correctly engrossed.

Moses M. Strong introduced the following resolution, to wit:

"Resolved, That a committee of five be appointed to enquire and report the rate of compensation suitable to be allowed and paid to the several officers of this convention."

And the rules having been first suspended for that purpose, the said resolution was taken up and adopted.

The President announced the appointment of the following committee under said resolution, to wit:

Messrs. Moses M. Strong, Wm. M. Dennis, A. Hyatt Smith, Sewell Smith and Phelps.

Mr. Hackett introduced the following resolution, which was read to wit:

"Resolved, That each member of this convention shall be entitled to a per diem allowance for the number of days only that he may be actually in attendance at the Capitol."

Mr. Meeker introduced the following resolution which was read, to wit:

"Res., That the treasurer be directed to pay the individual members of this convention their per diem allowance, at such times as they may call for it, not exceeding in amount, what may be due at the time called for, he taking a receipt for the amount paid, and such receipt shall be a voucher for the treasurer in the settlement of his accounts."

Mr. Randall introduced the following resolution, which was read, to wit:

"Resolved, That on Monday, the ninth day of Nov. next, the clerk of the supreme court be called upon to administer an oath to each of the members of this convention, as follows:

"You do solemnly swear that, laying aside all personal and political preferences and prejudices, you will faithfully and impartially perform all the duties devolving upon you as a member of this convention, and that you will support the constitution of the United States."

The resolution introduced on Saturday, relative to the common school fund,

Was taken up, and adopted.

J. Allen Barber introduced the following resolution, which was read, to wit:

"Resolved, That Monday, the 23d day of Nov. inst., be agreed upon as the time for the final adjournment of this convention."

Resolutions Nos. 2 and 4, of Saturday last were taken up, and on motion,

Referred to the select committee to which articles Nos. 5, 6 and 7 were referred.

Resolution No. 3, of Saturday last, was taken up, when

Mr. Magone asked and obtained leave to withdraw the same,

No. 8. "Article on amendments and revision,"

Was taken up; and read the third time, when

Moses M. Strong moved that the said article be committed to the committee on amendmonts to the constitution, with instructions to amend the first section, so as to provide that before any amendment to the constitution shall be submitted to the people, the same shall be agreed to by two thirds of the members elected to each of the two houses of the legislature, at two consecutive annual sessions."

And the question having been put on said motion,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Bevans, Coxe, Fitzgerald, Goodrich, Harkin, Hicks, Holcomb, James, Jenkins, Madden, Moore, Parkinson, Prentiss, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, Moses M. Strong, Toland, and Whiteside—20.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Bell, Berry, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clothier, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Elmore, French, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Green, Hackett, Geo. B. Hall, James H. Hall, Hammond, Hayes, Hazen, Hesk, Hill, Heubschmann, Hunkins, George Hyer, Inman, Janssen, Kern, Asa Kinney, Lovell, Magone, Meeker, Noggle, O'Connor, Patch, Parks, Phelps, Mr. President, Randall, Rankin, Seaver, Wm. R Smith, Soper, Steel, Marshall M. Strong, Tweedy, Vliet, and Wakely—68.

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes having been called under the rule,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. A. Barber, Bell, Berry, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clothier, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Elmore, French, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Green, Hackett, George B. Hall, James H. Hall, Hammond, Hays, Hazen, Hesk, Hill, Heubschmann, Hunkins, Geo. Hyer, Inman, Janssen, Kern, Asa Kinney, Lovell, Magone, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Phelps, Prentiss, Mr. President, Randall, Rankin, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Steel, Marshall M. Strong, Tweedy, Vliet, and Wakely—73.

Those who voted in the negative, were

Messrs. Bevans, Coxe, Fitzgerald, Goodrich, Harkin, Hicks, Holcomb, James, Jenkins, Madden, Parkinson, Ryan, Moses M. Strong, Toland and Whiteside—15.

No. 10. "Article on the constitution and organization of the legislature,"

Was then taken up; when

Marshall M. Strong moved that the said article be referred to the same committee of the whole, to which the article to be reported by the committee "on the powers, duties and restrictions of the legislature," will be referred,

Which was agreed to.

The convention then resolved itself into committee of the whole, for the consideration of

No. 12. "Article on organization and officers of counties and towns, and their powers and duties."

Moses M. Strong in the chair.

And after some time spent therein, rose and by their chairman reported the said article back to the convention with amendments.

And the question having been put, on concurring in the amendments reported by the committee of the whole,

It was decided in the affirmative.

Mr. Gray moved to amend the first section of the article, by striking out the words "town and"

Which was decided in the negative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. J. Allen Barber, Bevans, Hiram Brown, Gillmore, Gray, Green, Holcomb, Jenkins, Madden, Magone, Meeker, Parkinson, Phelps, Soper, Marshall M. Strong, Moses M. Strong, Toland and Whiteside—18.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, Beall, Bell, Berry Bowen, Bowker, Boyd, Chas. E. Brown, Burchard, Carter, Horace Chase, Warren Chase, Clothier, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Hill, Heubschmann, Geo. Hyer, Inman, James, Janssen, Kern, Asa Kinney, Lovell, Moore, Noggle, O'Connor, Patch, Parks, Pierce, Prentiss, Mr. President, Rankin, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, Wm. R. Smith, Steel, Vliet, Wakeley and Wilson—67.

Marshall M. Strong moved to amend the article, by striking out the first section.

And pending the question on said amendment,

On motion of Mr. Burchard,

The convention adjourned until 2 o'clock P. M.

Two O'clock, P. M.

Mr. Dennis, from the committee on the expenses of the convention, by leave made the following report:

The committee on the expenses of the convention, to whom was referred the claim of Augustus A. Bird, for services in fitting up the room for the convention,

Ask leave to make the following report:

That they have had under consideration, and recommend the adoption of the following resolution, to wit:

Resolved, That the sum of five hundred dollars be, and the same is hereby appropriated to Augustus A. Bird, as payment in full of a contract entered into between the superintendent of territorial property and said Bird, for fitting up the room for this convention; and that the treasurer of this territory be, and he is hereby authorized and directed to pay the same.

The report was accepted and the committee discharged from the further consideration of the subject.

No. 12. "Article on the organization and officers of counties, and towns and their powers and duties,"

Was then taken up,

And the question having been put, on the amendment of Marshall M. Strong,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Bevans, Brace, Warren Chase, Coxe, Gillmore, Gray, Hicks, George Hyer, Jenkins, Lovell, Madden, Parkinson, Phelps, Soper, Marshall M. Strong, Moses M. Strong and Whiteside—17.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, Bell, Berry, Bowen, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Burchard. Carter, Horace Chase, Clothier, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Elmore, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Hackett, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hazeh, Hesk, Hill, Holcomb, Heubschmann, Hunkins, Inman, James, Janssen, Kern, Asa Kinney, MaGone, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Pierce, Prentiss, Mr President, Randall, Rankin, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith Sewa'l Smith, Wm. R. Smith, Steele, Toland, Tweedy, Vliet, Wakely, and Wilson—72.

Mr. Ryan moved to amend the 2d section by striking out all after the word legislature, in the first line, and inserting as follows:

"Shall, as soon as convenient after the adoption of this constitution, organize the several boards of supervisors of the several counties, so as to represent equal population as nearly as practicable, and shall confer upon the boards of supervisors exclusive legislative power, to be exercised in such manner as the legislature shall prescribe, on the subject of roads, bridges, dams, and the erection, division, and boundaries of towns within their counties; and the legislature shall have power from time to time to regulate the manner of exercising such legislative power."

Mr. Elmore moved to amend the amendment by striking out the words "so as to represent equal population as nearly as practicable."

Which was decided in the affirmative.

The question was then put on the adoption of the amendment as amended,

And was decided in the negative.

William R. Smith moved to amend by adding to the third section the following:

"Sheriffs shall be elected once in every two years, and as often as vacancies shall happen. They shall hold no other office during the term for which they were elected, and no person shall be eligible as sheriff for two successive terms."

And the question having been put on the adoption of said amendment.

It was decided in the affirmative.

Mr. Whiteside moved to amend the fourth section by striking out all after the word "election" in the third line.

Which was decided in the affirmative

Mr. Graham moved to amend by striking out all after section two, and inserting the following:

Sec. 3. All county officers shall be selected by the people in the manner prescribed by law, sheriffs shall be elected every two years, all other county officers, with the exception of clerk of the circuit court, shall be elected annually. The sheriff shall hold no other office during the term for which he shall have been elected, and shall be ineligible to the office of sheriff for the term of two years next after the termination of his office. Sheriffs and such other county officers as may be prescribed by law, shall give security for the faithful performance of the duties of their respective offices, and may be required to increase or renew the same, from time to time as provided for by law.

And the question having been put on the adoption of said amendment;

It was decided in the affirmative.

Mr. Graham then moved to amend by inserting the following as section 4.

"Sec. 4. Vacancies in any county office may be filled by elections or appointments, in the manner prescribed by law, and deputies may be appointed by county officers whenever authorized by law."

And the question having been put on concurring in said amendment,

It was decided in the affirmative.

Mr. Graham then moved further to amend by adding the following as section 5.

Sec. 5. No county shall be laid off or established hereafter, containing an area of less than "three hundred and twenty four" square miles, exclusive of any portion of Lake Michigan, Green Bay or Lake Superior.

J. Allen Barber moved to amend the amendment by striking out the number "three hundred and twenty four," and inserting the number "five hundred and seventy six" in lieu thereof,

Which was disagreed to,

Mr. Elmore moved that the on said last amendment be reconsidered.

Which was disagreed to,

And a division having been called for,

There were 22 in the affirmative, and 37 in the negative.

Warren Chase moved to amend the amendment by adding the following proviso, to wit:

"Provided, That the counties shall in no case be made responsible for the acts of their respective sheriffs," which was decided in the negative.

Horace Chase moved to amend the amendment by striking out all after the words "less than," and inserting the words "one congressional township or fractional township,"

And the question having been put on the adoption of the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Bowen, Boyd, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clothier, Edgerton, Elmore, French, Goodell, Hazen, Holcomb, Hunkins, Inman, Janssen, Jenkins, Kern, Asa Kinney, Lovell, Madden, Moore, Parks, Phelps, Pierce, Randall, Sewall Smith, Marshall M. Strong, and Wilson—30.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Bell, Berry, Bevans, Brace, Charles E. Brown, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Fitzgerald, Fuller, Gibson, Giddings Goodrich, Graham, Granger, Gray, Green, Hackett, George B. Hall, Hammond, Harkin, Hayes, Hesk, Hill, Heubschmann, Geo. Hyer, James, MaGone, Meeker, Noggle, O'Connor, Parkinson, Prentiss, Rankin, Ryan, Seaver, George B. Smith, William R. Smith, Soper, Moses M. Strong, Toland, Tweedy, Vliet, Wakely and Whiteside —53.

Mr. Tweedy moved to amend the amendment by adding the following proviso, to wit:

"Provided, That an incorporate city, containing as many as twenty thousand inhabitants, may be organized as a separate county."

Which was agreed to.

Mr. Clothier moved to amend the amendment by adding the following thereto, to wit:

"And the legislature of this state shall not have power to alter or change the boundaries of the several counties and townships now organized, without first submitting such proposition to the qualified electors of such counties or townships as shall be affected by such alteration. The votes for and against such proposition shall be canvassed and returned in such manner as shall be provided by law."

And the question having been put on said amendment,

It was decided in the negative.

The question then recurred on the amendment of Mr. Graham as amended.

And having been put,

It was decided in the affirmative.

Mr. Boyd moved that said article be committed to a select committee of five, of which Mr. Graham should be chairman,

Which was agreed to.

The chair appointed,

Messrs. Graham, Tweedy, Steel, Wm. K. Smith and P. A. R. Brace said committee.

Moses M. Strong, from the select committe appointed to enquire into the sums proper to be allowed to the several officers of this convention, by leave made the following report:

The committee appointed to enquire and report the rate of compensation suitable to be allowed and paid to the several officers of this convention, respectively report the following resolution:

Resolved, That there be allowed and paid to the officers of this convention, the following compensation for their services respectively, to wit:

To the President of the convention, in addition to his compensation as a member, the sum of two dollars per day.

To the secretary, five dollars per day.

To the assistant secretaries four dollars per day each,

To the other officers of the convention two dollars and fifty cents per day each.

Resolved, That certificates be issued by the President, to the several officers, for the amount of compensation allowed by the foregoing resolution, in the same manner as certificates are issued for the compensation of the members.

Mr. Magone moved that the rules be suspended, in order that said report and resolution might be taken up and acted upon now.

Which was decided in the negative, two thirds not voting therefor.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Hiram Barber, Beall, Berry, Bevans, Bowker, Brace, Charles E. Brown, Burchard, Carter, Horace Chase, Clothier, Dennis, French, Fuller, Gibson, Giddings, Goodrich, Graham, Granger, Gray, Green, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, James, Jenkins, Lovell, Madden, MaGone, Moore, O'Connor, Patch, Prentiss, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Vliet, Wakely and Whiteside—49.

Those who voted in the negative were,

Messrs. Agry, Atwood, J. Allen Barber, Bell, Bowen, Boyd, Hiram Brown, Warren Chase, Coxe, Crawford, Doty, Drake, Dunning, Edgerton, Elmore, Fitzgerald, Goodell, Hackett, George B. Hall, Hazen, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Inman, Janssen, Kern, Asa Kinney, Meeker, Noggle, Parkinson, Parks. Phelps, Pierce, Randall, Rankin, Seaver, William R. Smith, Toland, Tweedy and Wilson—41.

On motion,

The convention adjourned.

TUESDAY, November 3, 1846.

Prayer by the Rev. Mr. Hugh.

The journal of yesterday was read and corrected.

The following communication wes received from the treasurer, and read, to wit:

"TREASURER'S OFFICE,
MADISON, W. T., November 2, 1846.

Hon. D. A. J. UPHAM,

President of the Convention,

SIR:—I have in my hands as Treasurer of the Territory of Wisconsin, ten thousand dollars applicable to the payment of the expenses of the convention now in session, which I am ready "to pay out," for that object "in such manner as the convention may provide."

Very respectfully, your ob't serv't,

JONATHAN LARKIN, JR.,

Treasurer W. T."

Mr. Gray moved that the convention take a recess for one hour.

Which was disagreed to.

The resolution of Mr. Hackett, introduced on yesterday, relative to the per diem of members of this convention,

Was then taken up; when

Mr. Dennis moved to amend the same by adding thereto, the words,

"Or absent on leave of the convention."

Mr. Ryan moved a call of the convention;

Which was ordered; and

Messrs. Beall, Fuller, Gibson, Gray, George B. Hall, James H. Hall, Hazen, Hill, Holcomb, Patch, Parsons, Phelps, John Y. Smith, Marshall M. Strong, Moses M. Strong, and Whiteside,

Reported absent.

The segeant-at-arms was sent to notify the absentees that their attendence was required in the convention chamber.

Garret M. Fitzgerald was excused from his attendance in the convention.

Warren Chase moved that the convention adjourn until two o'clock P. M.

Which was disagreed to.

Mr. Judd moved that all further proceedings under the call be dispensed with.

Mr. Gray moved that the convention adjourn for one hour.

Which was disagreed to.

And the question having been put on the motion of Mr. Judd, to suspend all further proceedings under the call of the house,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Bell, Bevans, Elmore, Fuller, Hayes, Hicks, Holcomb, Heubschmann, Judd, Manahan, Meeker and Mr. President—12.

Those who voted in the negative, were

Messrs. Agry, Baird, Hiram Barber, J. Allen Barber, Berry, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clark, Clothier, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, French, Gibson, Giddings, Gillmore, Goodrich, Graham, Gray, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hill, George Hyer, Nathaniel F. Hyer, Inman, James, Janssen, Jenkins, Asa Kinney, Lovell, Madden, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Prentiss, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soper, Steele, Moses M. Strong, Toland, Tweedy, Vliet, Wakeley, Whiteside and Wilson—71.

A. Hyatt Smith moved to suspend all further proceedings under the call of the house,

Several of the abtentees having appeared in their seats.

Which was agreed to.

The hour for the consideration of morning business having expired,

Moses M. Strong moved that the rule be suspended in order that the resolution above mentioned might be finally acted upon now;

Which was agreed to.

The question was then put on the amendment of Mr. Dennis,

And was decided in the negative.

Wm. R. Smith moved to amend the resolution by striking out the word "two," before "dollars," and inserting "three," in lieu thereof, and by striking out the word "only."

Moses M. Strong demanded the previons question.

Moses M. Strong moved a call of the house,

Which was ordered; and

Messrs. Atwood, Beall, Boyd, Coxe, Dickinson, Hesk, Hunkins, Kern, Asa Kinney, Magone, Moore, O'Connor, Parsons, Phelps, Pierce, Randall, Rankin, John Y. Smith and Marshall M. Strong,

Reported absent.

The sergeant-at-arms was sent to inform the absentees that their attendance was required in the convention chamber.

And pending the report of the sergeant-at-arms,

On motion of Mr. Berry,

The convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The resolution relative to the per diem of members,

Was taken up.

And the question having been put,

"Shall the main question be now put?"

It was decided in the negative.

Mr. Dennis, by leave introduced the following resolution,

And the rule having been first suspended for that purpose, the said resolution was taken up, to wit:

"Resolved, That the Treasurer of the Territory be directed to pay to each member of this convention, who has been in attendance, the sum of 50 dollars towards his per diem compensation as a delegate. Also, the sum of seventy-five dollars each to the secretary and assistant secretaries of the convention. Also, the sum of fifty dollars to each of the remaining officers of the convention, to wit: the sergeant-at-arms, doorkeepers, messengers, chaplains, and fireman, as part pay for their services. Also, the sum of four hundred dollars to Beriah Brown, printer of the convention, as part pay for his services as printer, and that the treasurer pay the foregoing items in preference to any other claim whatever."

Moses M. Strong moved to amend the resolution by inserting after the word "messengers," in the ninth line, the word "chaplains."

Which was agreed to.

The resolution as amended was then adopted.

Mr. Ryan, by leave, introduced the following resolution, to wit:

"Resolved, That the 13th standing rule be so altered, that upon a call of the house being ordered, the doors shall be closed, and no member permitted to leave the room after the call is ordered, until the report of the sergeant-at-arms be received and acted upon, or further proceedings in the call suspended."

And the rule having been first suspended for the purpose,

Mr. Hyer moved to amend the resolution by inserting after the word "upon," in the last line but one, the words "and the question if any be pending, be taken."

Which was agreed to,

The resolution as amended, was then adopted.

And a division having been called for,

There were 83 in the affirmative, negative not counted.

A Hyatt Smith moved that the rules be suspended, in order that the resolution reported by the committee on expenses, allowing $500 to A. A. Bird, and the resolution relative to the per diem of the officers of this convention, may be taken up and acted upon.

Which was agreed to.

The resolution appropriating $500 to A. A. Bird,

Was then up.

And the question having been put on the adoption of the said resolution,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bennett, Berry, Bevans, Bowen, Bowker, Brace, Charles E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clark, Crawford, Dennis, Dickinson, Doty, Dunning, Edgerton, Elmore, Fitzgerald, French, Fuller, Gibson, Gillmore, Goodell, Goodrich, Graham, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Hill, Holcomb, N. F. Hyer, Inman, James, Janssen, Jenkins, Kern, Asa Kinney, Lovell, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Pierce, Prentiss, Mr. President, Rankin, Rogan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely and Wilson—81.

Those who voted in the negative, were

Messrs. Bell. Boyd, Clothier, Coxe, Giddings, Gray, Hunkins, Geo. Hyer, Randall, Ryan, Seaver, Moses M. Strong and Whiteside—13.

The resolution relative to the per diem of officers,

Was then taken up: when

Moses M. Strong moved to amend said resolution by inserting after the word "convention," the words "including chaplains."

J. Allen Barber moved to amend the amendment by inserting after the word "such," the words "and that the chaplains be paid by voluntary contrabutions of the members."

And the question having been put on said amendment,

It was decided in the negative.

The question then recurred on Mr. Strong's amendment,

And having been put,

It was decided in the affirmative.

William R. Smith moved to amend the resolution by striking out the words "and fifty cents," in the last item to the officers of the convention.

And the question having been put on said amendment,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett. Berry, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clark, Coxe, Crawford, Dennis, Dickinson, Drake, Edgerton, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Gray, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hill, Holcomb, Hunkins, George Hyer, Nathaniel F. Hyer, Inman, James, Janssen, Jenkins, Kern, Lovell, Madden, Manahan, Meeker, Mills, Noggle, Patch, Parkinson, Parks, Phelps, Prentiss, Mr. President,

Randall, Rankin, Rogan, Ryan, Seaver, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet, Wakeley and Whiteside—78.

Those who voted in the negative, were

Messrs. Bevans, Charles E. Brown, Clothier, Doty, Dunning, Elmore, French, Graham, Hesk, Hicks, Asa Kinney, Magone, Moore, O'Connor, A. Hyatt Smith, George B. Smith, Steele, Moses M. Strong, and Wilson—19.

Mr. Parks moved further to amend the resolution by striking out the number "five," before dollars, in the per diem of the secretary, and inserting the number "four" in lieu thereof.

Marshall M. Strong moved that said resolution, together with the amendment, be laid upon the table.

Which was disagreed to.

Mr. Steele moved that the further consideration of said resolution be postponed until to-morrow.

Which was disagreed to.

The question then recurred on the amendment of Mr. Parks,

And having been put,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bowen, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Warren Chase, Clark, Clothier, Dickinson, Drake, Edgerton, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Granger, Green, Hackett, George B. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Hill, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Kern, Asa Kinney, Manahan, Mills, Moore, Noggle, Patch, Parkinson, Parks, Prentiss, Randall, Rankin, Rogan, Seaver, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Wakely, Whiteside, and Wilson—70.

Those who voted in the negative, were

Messrs. Bevans, Coxe, Crawford, Dennis, Doty, Dunning, Elmore, French, Goodrich, Graham, Gray, James H. Hall, Heubschmann, Madden, Magone, Meeker, O'Connor, Phelps, Mr. President Ryan, A. Hyatt Smith, Geo. B. Smith, Wm. R. Smith, Steele, Moses M. Strong and Vliet—26.

Mr. Burchard moved that the convention adjourn;

Which was disagreed to.

Mr. Parks then moved further to amend the resolution by striking out the number "four," before "dollars," in the per diem of the as-

sistant secretaries, and inserting the number "three," in lieu thereof;

Which was decided in the affirmative.

Mr. Parks then moved further to amend the resolution, by inserting after the word "each," in the per diem of the assistant secretaries, the words "for each days' service."

Which was decided in the affirmative.

Mr. Bevans moved to amend the resolution by striking out all after the words "other officers of the convention," and inserting the following:

"Excepting chaplains, $2.50 each, and to the chaplains $2,00 for each days' attendance upon the convention."

Which was disagreed to.

Mr. Phelps moved that the said resolution be laid upon the table;

Which was disagreed to.

Marshall M. Strong moved to amend the resolution by inserting the following proviso after the word "each," in the fifth paragraph, to wit:

"Provided, That such chaplain shall be paid for those days only, upon which he shall have attended upon the convention;"

Which was decided in the affirmative.

Mr. Ryan demanded the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then recurred on the adoption of the resolution as amended,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Brace, Charles E. Brown, Hiram Brown, Carter, Horace Chase, Clark, Coxe, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Fitzgerald, French, Fuller, Gibson, Gillmore, Goodell, Goodrich, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Heubschmann, N. F. Hyer, Inman James, Jenkins, Kern, Lovell, Madden, Manahan, Meeker, Mills, Moore, Patch, Parks, Prentiss, Randall, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vliet and Wakeley—73.

Those who voted in the negative, were

Messrs. J. Allen Barber, Burchard, Warren Chase, Clothier, Crawford, Elmore, Giddings, Granger, Gray, Hazen, Hunkins, Geo. Hyer, Janssen, Asa Kinney, Magone, Noggle, O'Connor, Parkinson, Phelps, Rankin, Rogan, Steele, Whiteside and Wilson—24.

Moses M. Strong moved that the vote by which the convention refused to order the main question, on the resolution relative to the per diem of members, be reconsidered;

Which was agreed to; when

William R. Smith, by leave withdrew his amendment to said resolution.

Mr. Hayes moved to amend the resolution by striking out all after the word "day," in the third line.

And pending the question on said amendment,

On motion of Warren Chase,

The said resolution was indefinitely postponed.

Marshall M. Strong, by leave presented the account of E. B. Dean, Jr., for stationery furnished for the use of this convention,

Which was on his motion,

Referred to the committee on the expenses of the convention.

Mr. Randall, by leave presented the account of Messrs. Varney and Viall for plastering the convention chamber,

Which was on his motion,

Referred to the committee on the expenses of the convention.

George Hyer by leave, introduced the following resolution, which was read, and

On motion of Mr. Dennis,

Referred to the committee on the expenses of the convention, to wit:

"Resolved, That the treasurer of the Territory be instructed to pay S. Mills, & Co., publishers of the Wisconsin Argus, two hundred and fifty dollars, on account of newspapers furnished the convention."

Mr. Randall, by leave introduced the following resolution, which was read, to wit:

"Resolved, That W. W. Treadway be paid out of the convention fund the sum of ten dollars, in full for services as secretary pro tem. of this convention."

Mr. Agry moved that the vote by which the convention adopted the resolution allowing A. A. Bird $500 for repairing the convention chamber,

Be reconsidered.

Moses M. Strong moved that said motion be laid on the table.

Which was agreed to.

Mr. Hicks gave notice that he would on to-morrow, or some future day, move a reconsideration of the vote by which the "article on banks and banking" was passed.

On motion of Mr. Magone,

The convention adjourned.

WEDNESDAY, NOV. 4, 1846.

Prayer by the Rev. Mr. Miner.

On motion,

The reading of the journal was dispensed with.

Leave of absence was asked for and granted, as follows, to wit:

By Mr. Magone, for Messrs. Wilson and Toland.

By Mr. Hunkins, for Mr. Randall.

By Mr. Edgerton for Mr. Parks.

By Wm. R. Smith. for Messrs. Meeker and Burchard.

Mr, Hill presented the account of W. W. Wyman, for papers furnished the members of this convention; which was, on his motion, referred to the committee on the expenses of the convention.

Horace Chase introduced the following resolution, which was read, to wit:

"Resolved, That the treasurer of the territory is instructed not to pay the second assistant secretary of this convention, Mr. McHugh, till a further order of this convention."

And the rules having been first suspended for that purpose; the said resolution was taken up and adopted.

The resolution introduced by Mr. Meeknr, on Monday, relative to the payment of the per diem of members of the convention, was taken up, when

Mr. Dennis moved that said resolution be laid on the table.

Which was agreed to.

The resolution relative to the time for the adjournment of the convention, was taken up, when

Warren Chase moved to amend the resolution, by striking out the number "23d," and inserting the number "30" in lieu thereof.

And pending the question on said amendment,

Mr. Judd moved to lay said resolution and amendment on the table,

Which was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Hiram Barber, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Carter, Horace Chase, Clothier, Cooper, Crawford, Dennis, Dickinson, Drake, Fuller, Goodell, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, Janssen, Jenkins, Judd, Kern, Asa Kinney, Magone, Mills, Moore, Noggle, Parkinson, Phelps, Mr. President, Rankin, Rogan, George B. Smith, John Y. Smith, Wm. R. Smith, Marshall M. Strong, and Vliet—53.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Berry, Bevans, Warren Chase, Doty, Edgerton, Elmore, Fitzgerald, French, Gibson, Gillmore, Goodrich, Graham, Gray, Hayes, Hicks, Hill, Madden, Prentiss, Ryan, A. Hyatt Smith, Sewall Smith, Soper, Moses M. Strong, Tweedy, and Wakeley—27.

Moses M. Strong introduced the following resolution, which was read, to wit:

"Resolved, That this convention will adjourn without day on Tuesday, the 21th day of November inst."

The resolution requiring the members of this convention to be sworn, was taken up, when

Mr. Hunkins moved to lay the same on the table,

Which was agreed to.

The resolution allowing W. W. Treadway ten dollars, for services as secretary pro tem,

Was taken up, when

Mr. Elmore moved to amend the same by striking out the number "ten," before "dollars" and insert "eight" in lieu thereof;

Which was disagreed to.

The said resolution was then adopted.

Mr. Phelps presented the account of John T. Wilson, for window latches and pulleys for the convention chamber, which was on his motion, referred to the committee on the expenses of the convention.

No. 13. "Article on the organization and functions of the judiciary."

Was taken up, when

Wm. R, Smith moved that said article be postponed until one week from Monday next, and that it be made the special order of the day for that day.

Moses M. Strong moved to amend the motion by striking out the words "one week from Monday next," and inserting the words "next Wednesday."

Which was decided in the negative.

And a division having been called for,

There were 33 in the affirmative, and 44 in the negative.

Moses M. Strong called for the ayes and noes,

Which were ordered.

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, J. Allen Barber, Berry, Bevans, Brace, Warren Chase, Doty, Ellis, Fitzgerald, Gibson, Giddings, Gillmore, Goodrich, Graham, Gray, James H. Hall, Harkin, Hays, Hazen, Hicks, Holcomb, George Hyer, N. F. Hyer, Inman, James, Judd, Madden, Prentiss, Mr. President, Rogan, George B. Smith, Sewell Smith, John Y. Smith, Soper, Moses M. Strong, and Vliet —38.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Chas. E. Brown, Hiram Brown, Carter, Horace Chase, Clothier, Cooper, Crawford, Dennis, Dickinson, Drake, Dunning, Edgerton, Elmore, French, Fuller, Goodell, Granger, Green, Hackett, Geo. B. Hall, Hammond, Hesk, Hill, Hunkins, Janssen, Jenkins, Kern, Asa Kinney, Lovell, Magone, Mills, Moore, Noggle, O'Connor, Parkinson, Phelps, Pierce, Rankin, Ryan, Seaver, A. Hyatt Smith, William R. Smith, Marshall M. Strong, Tweedy and Wakely—52.

Moses M. Strong moved to amend the motion by striking out the words "one week from,"

Which was decided in the negative.

The question then recurred on the motion of Wm. R. Smith,

And having been put,

It was decided in the affirmative.

And a division having been called for,

There were 57 in the affirmative,

Negative not counted.

The convention then resolved itself into committee of the whole for the consideration of

No. 14. "Bill of rights."

Mr. Judd in the chair,

And after some time spent therein, the committee rose, and reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Baird,

The convention adjourned until 2 o'clock P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole, for the further consideration of,

No. 14. "Bill of rights,"

Mr. Judd in the chair.

And after sometime spent therein, the committee rose, and reported progress on said article, and asked leave to sit again.

Leave was granted.

On motion of Asa Kinney,

The convention adjourned.

THURSDAY, NOV. 5, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

George Hyer presented the account of S. S. Keyes, for chairs furnished the convention,

Which was, on his motion,

Referred to the committee on the expenses of the convention.

Warren Chase introduced the followin resolution, to wit:

"Resolved, That the following be added to the rules of this convention.

There shall be no debate, nor any motion entertained, after a question has been put, and the voting commenced either by acclamation or otherwise, until the same is decided."

Mr. Baird introduced the following resolution, to wit:

"Resolved that this convention will adjourn without day on Monday, the 30th day of November inst."

The resolution introduced by Moses M. Strong on yesterday, relative to adjournment was taken up, and

On motion of Mr. Magone,

Was laid on the tab'e.

Mr. Dennis, from the committee on the expenses of the convention, by leave made the following report:

"Resolved, That there be allowed to E. B. Dean, the sum of nine hundred dollars, for stationary furnished the convention:

Provided the said Dean receives the abova amount as in full for his bill presented."

To Darwin Clark, four hundred and sixty two dollars and twenty five cents, in full for forty three desks furnished the convention.

To Simeon Mills & Co., publishers of the Wisconsin Argus, one hundred dollars, as part pay for newspapers furnished the convention.

To W. W. Wyman, publisher of the Madison Express, one hundred dollars, as part pay for newspapers furnished the convention.

To Beriah Brown, publisher of the Democrat, one hundred dollars, as part pay for newspapers furnished the convention.

Resolved, That the treasurer of the territory be directed to pay the above appropriations, out of any funds in his hands which are subject to the control of this convention,"

No. 14. "Bill of rights,"

Was taken up, when

Mr. Bevans moved that the committee of the whole be discharged from the further consideration of the said article, and that it be referred to a select committee of seven.

Which was disagreed to.

The convention then resolved itself into committee of the whole for the further consideration of said article.

Mr. Judd in the chair,

And after sometime spent therein, the committee rose and reported progress thereon, and asked leave to sit again.

Leave was granted.

Mr. Magone moved that the convention do now adjourn until the first Monday of December next,

Which motion was, on his motion, laid on the table.

On motion of Mr. O'Connor,

The convention adjourned until 2 o'clock P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole, for the further consideration of,

No. 14. "Bill of rights,"

Mr. Judd in the chair.

And after some time spent therein, the committee rose, and reported the said article back to the convention with amendments.

N. F. Hyer moved to amend the 7th amendment of the committee, by adding thereto the following:

"Nor shall witnesses be unreasonably detained, neither shall they be required to leave the county, to give evidence in any civil cause."

And the question having been put on said amendment.

It was decided in the negative.

And the question being on concurring in the amendments reported by the committee of the whole,

Moses M. Strong called for a division of the question,

And the question having been put on each of said amendments separately,

They were severally adopted.

Hiram Barber moved that said article be referred to a select committee of five, to correct, arrange and revise, and to report the same back to the convention, in such revised form, together with such amendments as they shall deem expedient to have adopted, and such additions, if any, as they may deem necessary.

Which was decided in the affirmative.

And a division having been called for,

There were 49 in the affirmative,

Negative not counted.

The President appointed the following persons the committee under said motion, to wit:

Messrs. Bevans, Wm. R. Smith, N. F. Hyer, Hiram Barber and A. Hyatt Smith.

Moses M. Strong moved that the rules be suspended, in order that the resolution introduced by Mr. Baird, this morning, relative to adjournment, be now taken up and acted upon.

And pending the question on said motion,

Mr. Dennis moved that the convention adjourn,

Which was decided in the affirmative.

And a division having been called for,

There were 51 in the affirmative,

Negative not counted.

So the convention adjourned until to-morrow morning at 9 o'clock,

FRIDAY, November 6, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Crawford asked that leave of absence be granted to Messrs. Bowen and Hiram Brown.

Leave was granted.

William R. Smith presented the certificate of the election of Edward Combe, a member from the county of Richland;

Which was ordered to be filed, and the said Edward Combe admitted to his seat.

Leave of absence was then asked and granted, as follows:

By Mr. Magone, for Garrett M. Fitzgerald.

By Asa Kinney, for Mr. Vliet.

Ry Mr. Ellis, for Messrs. Hesk and Moore.

The president presented the report of the clerk of the district court for the county of Portage,

Which was read and ordered to be filed.

N. F. Hyer moved that the reports of the clerks of district courts be referred to a select committee of three, to be arranged and printed.

Mr. Judd moved to amend by striking out the words "and printed," and insert in lieu thereof the words, "be presented to the convention,"

Said amendment was accepted by Mr. Hyer as a modification of his motion.

Moses M. Strong moved that said motion be laid upon the table.

Which was disagreed to,

And a division having been called for,

There were 24 in the affirmative, and 34 in the negative.

Mr. Ryan moved to amend by inserting "and that Gen. Crawford be chairman of said committee,"

Which amendment was accepted by Mr. Hyer as a modification of his motion.

Mr. Magone moved to amend by adding "and that Mr. Ryan be a member of said committee."

Which was also accepted by Mr. Hyer as a modification of his motion.

The motion of Mr. N. F. Hyer, as modified,

Was then agreed to.

The president then announced the appointment of the following committee under said motion, to wit:

Messrs. Crawford, Ryan and N. F. Hyer.

Mr. Ryan asked to be excused from serving on said committee.

And the question having been put,

It was decided in the negative.

And a division having been called for;

There were 30 in the affirmative, and 33 in the negative.

Mr. Holcomb presented his certificate of election as a member from the county of St. Croix.

Which was ordered to be filed.

Mr. Graham, from the select committee to which was committed,

No. 12. "Article on organization and officers of counties and towns and their powers and duties,"

Reported the same back to the convention.

Mr. Dennis moved that the said article be printed.

Mr. Gray moved to amend by adding, "and be recommitted to the committee of the whole."

Which was disagreed to.

The question then recurred on the motion of Mr. Dennis,

And having been put,

It was decided in the affirmative.

The resolution introduced on yesterday by Warren Chase, was taken up; when

Mr. Hunkins moved that the same be laid upon the table.

Which was agreed to.

And a division having been called for,

There were 32 in the affirmative, and 14 in the negative.

The resolution introduced on yesterday, relative to the adjournment,

Was taken up; when

Charles E. Brown moved that the same be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, Bell, Bennett, Boyd, Charles E. Brown, Carter, Horace Chase, Cooper, Crawford, Dickinson, Dunning, Fuller, Goodrich, Goodell, Granger, Green, George B. Hall, Hicks, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Lovell, MaGone, Mills, Noggle, O'Connor, Parkinson, Seaver, George B. Smith, William R. Smith, and Marshall M. Strong—37.

Those who voted in the negative were,

Messrs. Hiram Barber, J. Allen Barber, Beall, Berry, Bevans, Brace,

Warren Chase, Clark, Clothier, Combs, Dennis, Doty, Drake, Edgerton, Ellis, Elmore, French, Gibson, Giddings, Gillmore, Goodell, Graham, Gray, Hackett, James H. Hall, Harkin, Hayes, Hill, Holcomb, James, Kern, Asa Kinney, Madden, Manahan, Patch, Phelps, Prentiss, Mr. President, Rogan, Ryan. A. Hyatt Smith, Sewall Smith, John Y. Smith, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—48.

Mr. Magone moved to amend by striking out the words "Monday the 30th," and insert "Wednesday the 9th."

Which was disagreed to.

Moses M. Strong moved to amend by striking out "Monday the 30th inst." and insert "Tuesday the 1st day of December next"

Which amendment was accepted by Mr. Baird as a modification of his resolution.

Mr. Beall moved to amend by striking out "Tuesday the 1st," and inserting "Tuesday the 8th."

Which was disagreed to.

And a division having been called for,

There were 24 in the affirmative,

Negative not counted.

The president announced that the morning hour had expired.

Moses M. Strong moved that the rules be suspended for the consideration of the said resolution.

Which was agreed to.

Moses M. Strong called for the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the adoption of the said resolution,

And it was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Hiram Barber, J. Allen Barber, Berry, Bevans, Brace, Carter, Warren Chase, Dennis, Doty, Drake, Edgerton, Ellis, French, Gibson, Giddings, Gillmore, Goodell, Goodsell, Graham, Gray, Hackett, James H. Hall, Hayes, Hicks, Hill, Geo. Hyer, James, Kern, Asa Kinney, Madden, Manahan, Noggle, Patch, Phelps, Prentiss, Mr. President, Rogan. Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Steele, Moses M. Strong, Tweedy, Wakeley, Whiteside and Willard—49.

Those who voted in the negative, were

Messrs. Agry, Atwood, Beall, Bell, Bennett, Bowker, Boyd, Charles E.

Brown, Horace Chase, Clark, Clothier, Cooper, Crawford, Dickinson, Dunning, Elmore, Fuller, Goodrich, Granger, Green, Harkin, Hazen, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Lovell, Magone, Mills, O'Connor, Parkinson, Seaver, Geo. B. Smith, Wm. R. Smith and Marshall M. Strong—39.

Mr. Magone introduced the following resolution, which was read, to wit:

"Resolved, That the committee to which the bill of rights has been referred, be instructed to report an amendment to that article, providing that no member of this convention shall hold any office of trust or profit created by this constitution, until two years after the adoption of the same by the people."

Moses M. Strong moved that the rules be suspended for the consideration of the said resolution.

Which was disagreed to.

Mr. Tweedy introduced the following resolution, which was read, to wit:

"Resolved, That the following be adopted as part of the constitution of this State, to wit:

Every member of this convention shall be disqualified from holding any office of profit or trust under the constitution of this State, until the end of two years next after the organization of the government of this State."

The convention then resolved itself into committee of the whole for the consideration of

No. 15. "Preamble."

Mr. Giddings in the chair.

And after some time spent therein,

Rose and by their chairman reported the same back to the convention with an amendment.

The amendment of the committee of the whole to said article, was then concurred in.

Mr. Bevans moved to amend by striking out all after the word "we," and insert as follows:

"The people of Wisconsin, grateful to Almighty God for our prosperity and freedom, and believing that the time has arrived when it is proper to avail ourselves of our right to form a state government and to enter the Union of the United States, as a free, sovereign and independent State by the name of the State of Wisconsin, do ordain and establish the following constitution for the government thereof."

Moses M. Strong moved to amend the amendment by striking out he words "grateful to Almighty God for our prosperity and freedom and."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Hiram Barber, Goodrich, Gray, Heubschmann, Kern, Patch, Sewall Smith, Moses M. Strong, and Willard—10.

Those who voted in the negative, were

Messrs. Atwood, Baird, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Carter, Horace Chase, Warren Chase, Clothier, Cooper, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodsell, Graham, Green, Hackett, James H. Hall, Harkin, Hazen, Hicks, Hill, Holcomb, Hunkins, George Hyer, Nathaniel F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Madden, Magone, Manahan, Mills, Noggle, O'Connor, Parkinson, Prentiss, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Turner, Wakeley and Whiteside—73.

Moses M. Strong moved to amend by striking out the words "and the law of Congress approved August 6th, 1846, entitled an act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union," and also insert the word "and" before the words "the ordinance."

Mr. Beall called for the previous question.

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the amendment of Moses M. Strong,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Boyd, Brace, Charles E. Brown, Carter, Horace Chase, Clothier, Cooper, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, French, Fuller, Gibson, Giddings, Gillmore, Goodrich, Goodsell, Graham, Gray, Green, James H. Hall, Harkin, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Magone, Noggle, O'Connor, Patch, Parkinson, Prentiss, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Steele, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—70.

Those who voted in the negative, were

Messrs. Agry, Bowker, Warren Chase, Crawford, Dennis, Goodell, Hazen, Manahan and Wm. R. Smith—9.

The question then recurred on the amendment offered by M. Bevans,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bevans, Elmore, Gillmore, Gray, Hackett, Holcomb, Ryan, A. Byatt Smith, Marshall M. Strong, Moses M. Strong, Tweedy, Whiteside and Willard—13.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Brace, Charles E. Brown, Carter, Horace Chase, Warren Chase, Clothier, Cooper, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Green, James H. Hall, Harkin, Hazen, Hicks, Hill, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Magone, Manahan, Noggle, O'Connor, Patch, Parkinson, Prentiss, Mr. President, Rogan, Seaver, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Steele and Wakeley—68.

By the unanimous leave of the convention, the words "territory of," were stricken out.

Said article was then ordered to be engrossed for a third reading.

The convention then resolved itself into committee of the whole for the consideration of

No. 16. "Article on municipal corporations."

Mr. Ellis in the chair.

And after some time spent therein,

The committee rose and by their chairman reported the said article back to the convention with amendments.

The amendments of the committee of the whole were then concurred in.

Moses M. Strong moved to amend by adding

"Section 2. No municipal corporation shall at any time contract any debt exceeding one thousand dollars, nor shall the aggregate of indebtedness of any corporation at any one time exceed ten thousand dollars."

Which was disagreed to.

Mr. Tweedy moved to amend the said article as follows:

"Sec. 2. No municipal corporation shall have power to contract

debts without first providing for the payment of the principal and interest of such debts, by a direct annual tax, sufficient to pay or discharge such principal and interest within years, which tax shall not be altered or repealed until such debt shall be discharged."

And the question being on filling the blank,

Mr. Tweedy moved that the same be filled with the number "twenty-five."

Which was disagreed to.

Mr. Lovell moved to fill the blank with the number "twelve."

Which was disagreed to.

Mr. Ryan moved to amend by filling the blank with the word "ten,"

Which was accepted by the mover as a modification of the original amendment.

The question was then put on adopting the amendment as modified,

And was decided in the affirmative.

And a division having been called for,

There were 50 in the affirmative, negative not counted.

Moses M. Strong moved to amend by adding

"Sec. 3. No municipal corporation shall have power to contract any debt exceeding thousand dollars;" when

Asa Kinney called for the previous question.

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the negative.

And a division having been called for,

There were 33 in the affirmative, and 36 in the negative.

So the article was laid over until to-morrow under the rules.

On motion of Moses M. Strong,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

No. 17. "Article on boundaries and name of the State,"

No. 3. "Article on eminent domain and property of the state," and

No. 11. "Article relative to the act of Congress for the admission of the state,"

Were taken up; when

Mr. Doty moved that the further consideration of the said articles

Be postponed until Thursday the 12th instant,

And that they be made the special order of the day for that day.

Which was agreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 18. "Article on the executive of the state."

Moses M. Strong in the chair.

And after some time spent therein,

The committee rose and by their chairman reported the same back with amendments.

Pending the question on concurring in the report of the committee of the whole,

On motion of Moses M. Strong,

The convention adjourned.

SATURDAY, MORNING, NOV. 7, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Steele from the committee on miscellaneous provisions, made the following reports, which were read;

Referred to the committee of the whole, and ordered to be printed, to wit:

"The committee on miscellaneous provisions, to whom was referred the resolution No. 5, respectfully report:

That they have well considered the matter referred to them, and have come to the unanimous conclusion that it is not expedient to incorporate a clause in the constitution, prohibiting any and every perron or persons from purchasing or owning any real estate, within the limits of this state, who are not capable of becoming citizens of the United States. That the subject is one more properly within the jurisdiction of the legislature.

Respectfully submitted,

E. STEELE, Chairman.
J. D. DOTY,
W. CHASE.

"The committe on miscellaneous provisions, to whom was referred a resolution relative to the tenure of leasehold estates;

Report the following as the result of their deliberations:

ARTICLE.

Sec. All leases or grants of agricultural lands for a longer period than twelve years, hereafter made, in which rent or service of any kind shall be reserved, shall be void."

"The committee to whom was referred the resolution relative to license, report:

ARTICLE.

"Sec. 1. The legislature shall have no power to pass any law restricting trade."

The committee would further report, that they deem it inexpedient to incorporate in the constitution any other of the matters referred to in the resolution."

The committee on miscellaneous provisions, to whom was referred the resolution No. 2, respectfully report, in relation to the first proposition they submit an article herewith:

That the committee have weighed well the second proposition and do not deem it expedient to engraft a clause in the constitution, prohibiting any person from holding office under the government of the future state, on account of his religious persuasion, professions or duties. That such a proposition as is sought by this resolution to be engrafted in the constitution, would restrict the people in the choice of their servants or agents, which should never be permitted in a free country. That the calling of a minister of the gospel is adverse to the life of a politician is admitted on all sides, but that because a person has chosen one profession, that he should be restrained from changing his business and entering into the strifes of the world, if he should see fit so to do, is contrary to all true principle.—We hold that the true system of legislation is to grant to all mankind the greatest freedom in any pursuit in which they may see fit to engage, which does not infringe upon the rights of others.

We therefore report adverse to the proposition to exclude and prohibit ministers of the gospel from holding office under our state government.

To the third proposition the committe have only to say, that the matter is under advisement with them from another source.

Respectfully submitted,

E. STEELE, Chairman.

ARTICLE.

„Sec. 1. The political year for the state of Wisconsin shall commence on the first day of January in each year."

Mr, Hunkins from the committee on engrossment, reported

No. 15. "Preamble,"

As correctly engrossed.

Mr. Magone introduced the following resolution, which was read, to wit:

"Resolved, That the President be instructed to inform the serjeant at arms that this convention is prepared to dispense with his valuable services."

Mr. Dennis introduced the following resolution which was read, to wit:

"Resolved, That Edward Combs, a delegate from the county of Richland, be entitled to nineteen dollars, for 95 miles travel in attending this convention, and that the treasurer of this territory be directed to pay the same."

Mr. Dennis moved that the rules be suspended for the consideration of said resolution,

Which was agreed to.

The said resolutions was then adopted.

Mr. Clothier introduced the following resolution, which was read to wit:

"Resolved, That it is unnecessary to declare the disqualification of members of this convention to hold offices of trust or profit for the term of two years after the adoption of this constitution in this state, no danger being apprehended that the people will need their services for many years to come."

"Resolved, That though the fact may exist, that some members may disqualify themselves by their political dishonesty, it is not conclusive evidence that all will do so, or that the fact should be incorporated in the constitution."

The following resolution, introduced on the 5th inst., was then taken up, and adopted, to wit:

"Resolved, That there be allowed to E. B. Dean, jr the sum of nine hundred dollars, for stationary furnished the convention:

Provided the said Dean receives the above amount as in full for his bill presented."

To Darwin Clark, four hundred and sixty two dollars and twenty five cents, in full for forty three desks furnished the convention.

To J. Gillett Knapp, forty three dollars and ninety nine cents, for cash advanced by said Knapp for hauling lumber to fit up room for convention.

To Simeon Mills & Co., publishers of the Wisconsin Argus, one hundred dollars, as part pay for newspapers furnished the convention.

To W. W. Wyman, publisher of the Madison Express, one hundred dollars, as part pay for newspapers furnished the convention.

To Beriah Brown, publisher of the Democrat, one hundred dollars, as part pay for newspapers furnished the convention.

Resolved, That the treasurer of the territory be directed to pay the above appropriations, out of any funds in his hands which are subject to the control of this convention,"

George B. Smith presented the account of Levi Putnam, for putting down carpet, &c.

Which was referred to the committee on expenses.

The resolution introduced by Mr. Magone, on yesterday, relative to disqualifying members of this convention from holding office.

Was taken up.

When Mr. Edgerton moved to amend the same by inserting between the words "convention" and "shall," the words nor any officer now holding office in this territory, by appointment of the President of the United States, or by the Governor of Wisconsin."

Warren Chase moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Agry, Hiram Barber, Beall, Bell, Berry, Bowker, Boyd, Brace, Carter, Warren Chase, Clothier, Crawford, Dennis, Dickinson, Doty, Drake, French, Giddings, Gilmore, Goodell, Goodrich Granger, Green, James H. Hall, Hazen, Hill, Holcomb, James, Janssen, Jenkins, Judd, Kern, Lovell, Madden, Mills, Noggle, O'Connor, Patch. Seaver, Soper, Steele, Marshall M. Strong, Wakely and Whiteside—44.

Those who voted in the negative, were

Messrs. Atwood, Baird, J. Allen Barber, Bennett, Bevans, Charles E. Brown, Horace Chase, Clark, Combs, Cooper, Dunning, Edgerton, Ellis, Elmore, Fuller, Gibson, Goosdell, Graham, Gray, Hackett, George B. Hall, Harkin, Hayes, Hicks, Heubschmann, Hunkins, Geo. Hyer, Inman, Asa Kinney, MaGone, Manahan, Parkinson, Phelps, Pierce, Prentiss, Mr. President, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Moses M. Strong, Tweedy and Willard—46.

Mr. Gray called for the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the amendment offered by Mr. Edgerton,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, H. Barber, Beall, Bell, Bennett, Bowker, Boyd, Brace, H. Chase, W. Chase, Clothier, Dennis, Dickinson, Doty, Edgerton, French, Giddings, Goodell, Goodrich, Granger, George B. Hall, James H. Hall, Harkin, Hicks, Hill, Janssen, Judd, Kern, Mills, Noggle, O'Connor, Patch, Pierce, Seaver, George B. Smith, Sewall Smith, Wm. R. Smith, Steele, Marshall M. Strong, and Wakeley—41.

Those who voted in the negative, were

Messrs. Atwood, Berry, Bevans, Charles E. Brown, Carter, Clark, Combs, Cooper, Crawford, Drake, Dunning, Ellis, Elmore, Fuller, Gibson, Gillmore, Goodsell, Graham, Gray, Green, Hackett, Hayes, Hazen, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, James, Jenkins, Asa Kinney, Lovell, Madden, Magone, Manahan, Parkinson, Phelps, Prentiss, Mr. President, Rogan, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Moses M. Strong, Tweedy, Whiteside and Willard—48.

The question then recurred on the original resolution,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered:

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Bevans, Bowker, Chas. E. Brown, Horace Chase, Combs, Cooper, Dunning, Ellis, Elmore, French, Fuller, Gibson, Giddings, Goodsell, Graham, Gray, Hackett, Geo. B. Hall, Harkin, Hayes, Hicks, Hill, Holcomb, Hunkins, George Hyer, Inman,

James, Asa Kinney, MaGone, Manahan, O'Connor, Parkinson, Phelps, Pierce, Mr President, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Tweedy and Willard—47.

Those who voted in the negative were,

Messrs. Agry, Hiram Barber, Beall, Bell, Bennett, Berry, Boyd, Brace, Carter, Warren Chase, Clark, Clothier, Crawford, Dennis, Dickinson, Doty, Drake, Edgerton, Gillmore, Goodell, Goodrich, Granger, Green, James H. Hall, Hazen, Heubschmann, Janssen, Jenking, Judd, Kern, Lovell, Madden, Mil's, Noggle, Patch, Prentiss, Seaver, John Y. Smith, Steele, Mashall M. Strong, Wakely and Whiteside—42.

Mr. Heubschmann, by leave introduced the following resolution, which was read, to wit:

Resolved, That the committee who have under consideration the just passed resolution, be instructed to report a section excluding all delegates to this convention. and the present officers of the territory, by election or appointment, whether appointed by the President of the United States or Governor of the territory, from any chance to be elected to the Senate or House of Representatives of Congress for the next two years."

Mr. Dennis moved that the ru'es be suspended for the consideration of the said resolution,

Which was agreed to.

Mr. Agry called for the previous question,

Which was ordered,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the adoption of the said resolution,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Agry, Hiram Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Carter, Horace Chase, Warren Chase, Clark, Combs, Dennis, Dickinson, Doty, Edgerton, French, Gibson, Giddings, Goodell, Granger, Geo. B. Hall, James H. Hall, Harkin, Hazen, Hicks, Heubschmann, N. F. Hyer, James, Janssen, Judd, Kern, Lovell, Mills, Noggle, O'Connor, Patch, Pierce, Mr. President, Rogan, Seaver, Geo. B. Smith, Sewall Smith, Wm. R Smith, Steel, and Wakely—47.

Those who voted in the negative were,

Messrs. Atwood, Baird, Bevans, Brace, Chas. E. Brown, Clothier, Cooper, Crawford, Dunning, Ellis, Elmore, Fuller, Gillmore, Good-

rich, Goodsell, Graham, Gray, Green, Hackett, Hayes, Hunkins, George Hyer, Inman, Jenkins, Asa Kinney, Madden, Magone, Parkinson, Phelps, Prentiss, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Whiteside and Willard—39.

Mr. Lovell moved that the vote on the adoption of the said resolution be reconsidered, when

Mr. Heubschmann moved that said motion be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered

Those who voted in the affirmative, were

Messrs. Agry, Hiram Barber, J. A. Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Brace, Carter, Horace Chase, Warren Chase, Clark, Crawford, Dennis, Dickinson, Doty, Dunning, Edgerton. Ellis, French, Fuller, Gibson, Giddings, Goodell, Granger, Green, George B. Hall, James H. Hall, Harkin, Hazen, Hicks, Hill, Holcomb, Heubschmann, N. F. Hyer, Janssen, Judd, Kern, Mills, Noggle, O'-Connor, Patch, Mr. President, Rogan, Seaver, Geo. B. Smith, Sewall Smith, Wm. R. Smith, Steel, Wakely and Willard—53.

Those who voted in the negative, were

Messrs. Atwood, Baird, Bevans, Charles E. Brown, Clothier, Cooper, Elmore, Gillmore, Goodrich, Goodsell, Graham, Gray, Hackett, Hays, Hunkins, Geo. Hyer, Inman, James, Jenkins, Asa Kinney, Lovell, Madden, Magone, Parkinson, Phelps, Pierce, Ryan, A. Hyatt Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy and Whiteside—34.

Article No. 15. "Preamble,"

Was then taken up,

And read the 3d time,

And the question being on the passage of the said article,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been ordered under the rule,

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Chas. E. Brown, Carter, Horace Chase, Warren Chase, Clark, Clothier, Combs, Cooper, Crawford, Dennis, Dickinson, Doty, Dunning, Edgerton, Ellis, Elmore, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, Hackett, George B. Hall, James H. Hall, Harkin, Hays, Hazen, Hicks, Hill, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins,

Judd, Kern, Asa Kinney, Lovell, Magone, Noggle, O'Connor, Patch Parkinson, Phelps, Prentiss, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Tweedy, Whiteside and Willard—83.

Moses M. Strong voted in the negative—1.

So the article passed, and the title thereof was agreed to,

Mr. Baird asked for leave of absence for Mr. Drake,

Leave was granted.

Mr. Noggle asked for leave of absence for Mr. Parkinson,

Leave was granted.

Mr. Magone moved that the convention do now adjourn.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Brace, Hiram Brown, Dunning, Graham, Lovell. Magone, O'Connor, Phelps, Ryan, A. Hyatt Smith, John Y. Smith, and Marshall M. Strong,—12.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, H Barber, J. A. Barber, Beall, Bell, Bennett, Bevans, Bowker, Boyd, C. E. Brown, Carter, Horace Chase, W. Chase, Clark, Clothier, Combs, Cooper, Crawford, Dennis, Dickinson, Doty, Edgerton, Ellis, Elmore, French, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Gray, Green, Hackett, George B. Hall, James H. Hall, Harkin, Hayes, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, James Jenkins, Judd, Asa Kinney, Madden, Noggle, Patch. Parkinson, Prentiss, Mr. President, Rogan, Seaver, George B, Smith, Sewall Smith, Wm. R. Smith, Soper, Steele, Moses M. Strong, Tweedy, Wakeley, Whiteside and Willard—71.

No. 16. "Article on municipal corporations,"

Was then taken up,

And the question being on the pending amendment offered by Moses M. Strong,

And having been put,

It was decided in the affirmative.

And a division having been called for,

There were 51 in the affirmative,

Negative not counted.

Mr. Tweedy moved that the said article be referred to a select committee to revise the same.

Which was agreed to,

The President then announced the appointment of the following committee, to which the said article was referred, to wit:

Messrs. Tweedy, Hunkins, Bennett, Whiteside and Granger.

Mr. Agry moved that the convention do now adjourn,

Which was disagreed to.

And a division having been called for,

There were 21 in the affirmative,

Negative not counted.

No. 18. "Article on the executive of the state,"

Was then taken up, when

Mr. Berry moved that the convention do now adjourn.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Hiram Barber, Beall, Berry, Bevans, Bowker, Boyd, Brace, Carter, Clark, Combs, Dennis, Doty, Dunning, Elmore, French, Fuller, Gillmore, Goodrich, Graham, Granger, Gray, Green, Hackett, Geo. B. Hall, James H. Hall, Harkin, Hays, Hill, Holcomb, Oeubschmann, N. F. Hyer, Inman, James, Kern, Lovell, Madden, Magone, Mills, Noggle, Parkinson, Phelps, Pierce, Mr. President, Ryan, A. Hyatt Smith, John Y. Smith, William R. Smith, Soper, Steele, Marshall M. Strong, Tweedy and Whiteside—53.

Those who voted in the negative, were

Messrs. Atwood, Baird, J. Allen Barber, Bell, Bennett, Horace Chase, Warren Chase, Clothier, Cooper, Crawford, Edgerton, Ellis, Gibson, Giddings, Goodell, Goodsell, Hicks, Hunkins, George Hyer, Janssen, Jenkins, Judd, Asa Kinney, O'Connor, Patch, Prentiss, Rogan, Seaver, George B. Smith, Sewell Smith, Moses M. Strong, Wakeley and Willard—33.

So the Convention adjourned.

MONDAY, October 26th, 1846.

Prayer by the Rev. Mr. Miner.

The journal of Saturday was read.

Mr. Noggle presented the certificate of election of Joseph Kinney, Jr., a member of this convention from the county of Rock,

Which was ordered to be filed and the said Kinney admitted to a seat.

Leave of absence was asked for and granted to members of this convention, as follows:

By Mr. Bevans, for Mr. Gray.

By Mr. Cooper, for Messrs. Magone and Graham.

By Asa Kinney, for Charles E. Brown.

The president laid before the convention the report of the clerk of the supreme court, and also of the clerk of the district court of the county of Fond du Lac,

Which were read and referred to the select committee to whom the previous reports had been referred.

Mr. Patch presented the petition of G. W. Green and 85 others, relative to the exemption of a certain amount of property from execution, &c.,

Which was read,

And on his motion,

Referred to the committee on miscellaneous provisions.

George B. Smith presented the account of Wm. Pyncheon for work on the convention chamber,

Which was referred to the committee on the expenses of the convention.

Mr. Agry, from the committee on the powers, duties and restrictions of the legislature, reported,

No. 24. "Article on the powers, duties and restrictions of the legislature.

The committee on the powers, duties and restrictions of the legislature, report the following

ARTICLE.

Sec. 1. The legislative powers of the State shall be vested in two distinct branches to be styled respectively the Senate and House of Representatives, and both together the legislative assembly of the State of Wisconsin.

Sec. 2. When vacancies occur in either house, the governor or other person exercising the powers of the governor shall issue writs of election to fill such vacancies.

Sec. 3. Elections for senators and representatives shall be general throughout the state and shall be regulated by law.

Sec. 4. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members, and shall choose its own officers; and the Senate shall choose a temporary president, when the lieutenant governor shall not attend as president, or shall act as governor.

Sec. 5. Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Sec. 6. For any speech or debate in either house of legislature, the members shall not be questioned in any other place.

Sec. 7. Any bill may originate in either house of the legislature, and all bills passed by one house may be amended by the other.

Sec. 8. The enacting clause of all bills shall be, "It is enacted by the Legislative Assembly of the State of Wisconsin."

Sec. 9. The legislature may confer upon the boards of supervisors of the several counties of the state, such further powers of local legislation and administration, as they shall from time to time prescribe.

Sec. 10. The house of representatives shall have the power of impeachment, by a vote of the majority of all the members elected.

Sec. 11. The legislature shall provide for the creation and government of municipal corporations by general and uniform laws.

Sec. 12. The legislature shall pass general laws, under which, and not otherwise, corporations other than those of a municipal and political character, shall be formed; and all laws passed pursuant to this section, may be altered from time to time, or repealed.

Sec. 13. The members of such corporations shall be individually liable for the debts, liabilities and acts thereof.

Sec. 14. The state shall derive no revenue, directly or indirectly, from property taken from private individuals for public use.

Sec. 15. No private or local bill which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

Sec. 16. No law shall be amended or revived by reference to its title, but in such case, the section amended or the act revived, shall be re-enacted and published at length.

Sec. 17. The legislature shall have no power to pass retroactive laws, or laws impairing the obligation of contracts or their remedies.

Sec. 18. The legislature shall pass no laws interfering with the liberty of trade or industry.

Sec. 19. It shall be the duty of the legislature to require by law the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools.

Sec. 20. The state shall have no power to contract debts or to loan its credit, except in case of war, invasion or insurrection.

Sec. 21. The legislature shall never grant extra compensation to any public officer, agent, servant or contractor after the service shall have been rendered or the contract entered into, nor grant by way of appropriation or otherwise, any amount of money to any individual on any claim, real or pretended, when the same shall not have been provided for by pre-existing law.

Sec. 22. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may by law be exempted, shall before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and that I will faithfully discharge the duties of the office of according to the best of my ability.

All which is respectfully submitted.

D. AGRY, Chairman.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Tweedy, from the select committtee to which articles Nos. 5, 6 and 7, and sundry resolutions of the convention were referred, reported,

No. 25. "Report of the select committee on articles Nos. 5, 6, and 7, and sundry resolutions referred to said committee."

The committee to whom were referred articles Nos. 5, 6, and 7, with the amendments pending thereto respectively; and also resolutions Nos. 1, 2, and 4, of the 31st October ult., with instructions, beg leave to report the same back to the convention, together with substitutes for the said several articles, which they recommend to be adopted by the convention; and also certain resolutions, which the committee believe will be found to cover the whole ground of inquiry submitted to them.

All which is respectfully submitted.

E. G. RYAN, Chairman.

ARTICLE

ON INTERNAL IMPROVEMENTS.

Section 1. This state shall encourage internal improvements by individuals, associations and corporations, but shall not carry on, or be a party in carrying on, any work of internal improvement, except in cases authorized by the second section of this article.

Sec. 2. When grants of land or other property shall have been made to the state, specially dedicated by the grant to particular works of internal improvements, the state may carry on such particular works, and shall devote thereto the avails of such grants so dedicated thereto; but shall in no case pledge the faith or credit of the state or incur any debt or liability, for such works of internal improvement.

Sec. 3. All lands which shall come to the state by forfeiture or escheat, or by grant, where the grant does not specially dedicate the

same to any other object, shall be held by the state as part of the state school fund, under the same trusts, reservations and restrictions as are provided in this constitution in regard to school lands proper.

ARTICLE

ON TAXATION, FINANCE AND PUBLIC DEBT.

Sec. 1. All taxes shall be uniform, and shall be levied on all property not exempt from taxation, in equal ratio to the value thereof, without discrimination. Capitation taxes, nevertheless, may be levied for highway labor, but for no other purpose.

Sec. 2. The legislature shall have power to exempt from taxation all property belonging to the state or the United States. All public school or university lands, and all property belonging to any school or other institution of learning, supported in whole or in part by any public school fund or tax; all public churches and all public burying grounds; and such amount of household furniture as may be provided by law.

Sec. 3. No money shall ever be paid out of the treasury of this state, except in pursuance of an apppropriation by law.

Sec. 4. The credit of the state shall never be given or loaned in aid of any individual association or corporation.

Sec. 5. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January in each year, and in the next volume of the acts of the legislature, a detailed statement of all moneys drawn from the treasury during the preceding year, for what purpose, and to whom paid, and by what law authorized.

Sec. 6. There shall never be issued by or in any way on behalf of the state, any scrip or other evidence of state debt, except in the cases and manner authorized in the 9th and 10th sections of this article.

Sec. 7. This state shall never contract any public debt, unless in time of war, to repel invasion or to suppress insurrection, except in the cases and manner provided in the ninth and tenth sections of this article,

Sec. 8. The legislature shall provide for an annual tax sufficient to defray the estimated expenses for each year; and whenever it shall happen that the expenses of the state for any one year shall exceed the income of the state for such year, the legislature shall provide for a tax for the ensuing year, sufficient with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

Sec. 9. For the purpose of defraying extraordinary expenditures, the state may contract public debts; but such debts shall never, singly or in the aggregate, exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some single work or object to be distinctly specified therein; and no such law shall take effect until it shall have been passed by two successive legislatures, by the votes of two-thirds of the members of each house, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy an annual tax sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within five years from the final passage of such law by the second legislature, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, and such taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

Sec. 10. All debts authorized by the preceding section, shall be contracted by loan on state bonds, of amounts not less than five hundred dollars each, on interest, payable within five years after the final passage of the law authorizing such debt, and such bonds shall not be sold for less than par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount issued, the number and amount unpaid, and to whom severally made payable.

Sec. 11. On the final passage in either house of the legislature of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues or renews an appropriation of public trust money, or releases, discharges or commutes a claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered on the journals; and three-fifths of all the members elected to each house shall in all such cases be required to constitute a quorum therein.

Sec. 12. The money arising from any loan made or debt or liability contracted, shall be applied to the work or object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

ARTICLE.

ON CORPORATIONS OTHER THAN MUNICIPAL.

Sec. 1. Corporations may be formed under general laws; but no corporation shall be created, extended, or renewed by special act, except in the cases and manner authorized by this article and the article on municipal corporations.

Sec. 2. The legislature shall have power to alter, amend, or repeal all general laws for incorporations, and all corporations formed thereunder shall be thereby altered, amended, or repealed.

Sec. 3. Every general law for incorporations shall embrace only one distinct special object of incorporation, which shall be expressed in the title thereof, and no corporation shall be organized under any two acts, general or special.

Sec. 4 The legislature shall have power to incorporate by special act any corporation for special objects of internal improvement; but no such act shall embrace more than one distinct and special work; and no such act shall take effect until it shall have been passed by two successive legislatures, by a majority of all the members elected to each house, to be ascertained by yeas and nays to be duly entered on the journals of each house respectively.

Sec. 5. The legislature shall have power to pass special acts of incorporation for purposes other than internal improvements, in cases in which the objects of the incorporation could not in the judgment of the legislature, be obtained under any general law; but no such act shall take effect until it shall have been passed in the same manner provided in the preceeding section of this article.

Sec. 6. The legislature shall have power to alter, amend, or repeal any special act of incorporation, by a majority of two thirds of the members elected to each house of one legislature; or by a majority of all the members elected to each house of two successive legislatures; and in all such cases the votes shall be taken by yeas and nays to be duly entered on the journals.

Sec. 7. All members of every corporation, formed under any general or special law, shall individually be jointly and severally liable for all debts and liabilities of such corporation, contracted or incurred

at any time before they respectively finally ceased to be members of such corporation er during three months thereafter; and no member of any corporation shall be released from such liability by the repeal or dissolution of such corporation.

Sec. 8. The legislature shall in all general and special acts of incorporation, provide for some convenient record, to be kept by some public officer, in the county in which the principal place of business of each such corporation shall be, containing a full list of the names of all stockholders of such corporation, their respective residences, the day when each ceases to be such stockholder, and to whom his stock is transferred; and no person ceasing to be a stockholder in any corporation shall be freed from liability for the debts and liabilities of such corporation contracted or incurred after he ceased to be a stockholder therein, until three months after such record shall have been made.

Sec. 9. Neither the state, nor any county, town or municipal corporation, shall be a stockholder in any corporation.

RESOLUTIONS.

Resolved, That the legislature shall, at its first session, pass an act forever refusing the assent of this state to the provisions of an act of Congress entitled "an act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," approved the 18th day of June, 1838, and refusing the grant therein made, and refusing to assume the trusts thereby created.

Resolved, That the State of Wisconsin does hereby refuse to assent to the provisions of an act of Congress, entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal, in the Territory of Wisconsin," approved the 6th day of August, 1846, and does hereby refuse the grant thereby made: but does hereby request Congress to pass an act granting the nett proceeds of the lands granted by the act last mentioned, when sold by the United States under the laws and regulations of their land offices, to this state in aid of the work mentioned in the said act, to be paid over to the proper officer of this state

from time to time, and in case Congress shall pass such an act, then the funds accruing from such grant are hereby irrevocably pledged to the works mentioned in the said act of the 6th day of August, 1846.

Resolved, That Congress be requested, upon the admission of this state into the Union, to pass an act whereby the grant of five hundred thousand acres of land, to which this state is entitled by the provisions of an act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the 4th day of September, 1841, and also the five per centum of the nett proceeds of the public lands lying within this state, to which this state shall become entitled on her admission into the Union, by the provisions of an act of Congress entitled "an act to enable the people of Wisconsin Territory to form a Constitution and State Government, and for the admission of such state into the Union," approved the 6th day of August, 1846, shall be granted to this state for the use of schools, instead of the purposes mentioned in that behalf in the said acts of Congress respectively.

Resolved, That the foregoing resolutions be appended to and signed with the Constitution of this state, submitted therewith to the people of this Territory, and to the Congress of the United States.

Which was referred to the committee of the whole and ordered to be printed.

Mr. Lovell asked that leave of absence be granted to Mr. Ryan,

Which was agreed to.

Mr. Steele introduced the following resolution, towit:

"Resolved, That the officers of this convention be allowed the same rates of mileage in coming to and returning from this place as members of this convention."

Mr. Noggle introduced the following resolution, to wit:

"Resolved, That the treasurer of the territory be instructed to pay to Joseph Kinney, jr. the sum of fifteen dollars, his mileage for seventy five miles travel, in coming to attend this convention as a delegate."

And the rules having been first suspended for that purpose, the said resolution was taken up and adopted.

Mr. O'Connor introduced the following resolution, to wit:

"Resolved that the superintendent of territorial property be requested to purchase four reams of wrapping paper, and wafers for this

convention, and that the treasurer be requested to pay the same on the draft of the superintendent."

Mr. Noggle moved that the rules be suspended in order that said resolution be considered now,

Which was agreed to.

The said resolution was then adopted.

Resolution No. 2., of Saturday, relative to the disqualifications of members of this convention from holding any office under the state government for two years, was taken up, when

Warren Chase moved that the said resolution be laid upon the table,

Which was agreed to.

Resolution No. 1., of Nov. 7, relative to the serjeant-at-arms, was taken up, when

Mr. O'Connor moved that said resolution be laid on the table,

Which was agreed to.

Resolutions Nos. 3 and 4, of Nov. 7, introduced by Mr. Clothier, were taken up, and

On motion,

Laid on the table.

The unfinished business of Saturday last was then taken up, being "No. 18. "Article on the executive of the state."

Mr. Agry moved that said article be postponed, and made the special order of the day for Saturday next.

Which was disagreed to.

And the question being on concurring in the amendments reported by the committee of the whole to said article,

A division of the question was called for,

And the question being on concurring in the first amendment of the committee of the whole thereto,

Mr. Prentiss moved to amend the same by striking out the words "shall reside at the seat of government."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Brace, Carter, Horace Chase, Warren Chase, Clark, Clothier, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Edgerton, French, Fuller, Gibson, Giddings, Gillmore, Goodrich, Granger, Green, Hackett, Harkin, Hayes, Hazen, Hill, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Madden, Noggle, Patch, Parkinson, Phelps, Pierce, Prentiss, Mr. President,

Rankin, Rogan, Seaver, Geo.B. Smith, Wm. R. Smith, Soper, Steele, Moses M. Strong, Tweedy, Wakeley, and Whiteside—66.

Those who voted in the negative, were

Messrs. Bevans, Combs, Dunning, Ellis, Elmore, Goodsell, Hicks, Holcomb, Judd, Lovell, Mills, A. Hyatt Smith, Sewell Smith, Marshall M. Strong and Willard—15.

Mr. Beall moved to amend the amendment as amended, by striking out the numbers "fifteen hundred," and inserting the numbers "eight hundred."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowker, Carter, Warren Chase, Clothier, Combs, Dennis, Dickinson, Doty, Edgerton, Elmore, French, Fuller, Giddings, Gillmore, Goodell, Goodrich, Granger, Hackett, James H. Hall, Harkin, Hazen, Hicks, Hill, Heubschmann, Hunkins, Nathaniel F. Hyer, Inman, O'Connor, Patch, Phelps, Pierce, Rogan, Seaver, George B. Smith and Steele—43.

Those who voted in the negative, were

Messrs. Agry, Baird, Boyd, Brace, Horace Chase, Clark, Cooper, Coxe, Crawford, Dunning, Ellis, Gibson, Goodsell, Green, Hayes, Holcomb, George Hyer, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Noggle, Prentiss, Mr. President, Rankin, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—40.

Asa Kinney moved to amend by striking out the fifth section, and inserting as follows:

"The governor shall receive as a compensation for his services, annually, the sum of one thousand dollars."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Hiram Barber, J. Allen Barber, Berry, Bevans, Boyd, Brace, Horace Chase, Warren Chase, Clark, Combs, Cooper, Coxe, Ellis, Fuller, Gibson, Gillmore, Goodell, Goodrich, Goodsell, Green, Hackett, Hazen, Hicks, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Noggle, Patch, Pierce, Prentiss, Mr. President, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper,

Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—54.

Those who voted in the negative, were

Messrs. Atwood, Beall, Bell, Bennett, Bowker, Carter, Clothier, Crawford, Dennis, Doty, Dunning, Edgerton, Elmore, French, Giddings, Granger, James H. Hall, Harkin, Hayes, Hill, N. F. Hyer, O'Connor, Phelps, Rankin, Rogan, Seaver, George B. Smith and Steele—28.

Mr. Elmore moved to amend by striking out all after the word "governor," and insert "shall receive such compensation as the legislature may by law direct, which compensation shall not be increased or diminished during the term for which he was elected," when,

Moses M. Strong called for the previous question,

Which was not ordered.

The question was then put on the adoption of the amendment of Mr. Elmore,

And was decided in the negative.

Mr. Steele moved to amend by striking out all after the word "governor," and insert the following words, to wit:

"Shall, for the term of ten years after the adoption of this constitution, receive as a compensation for his services, annually, the sum of eight hundred dollars, and shall receive thereafter such sum as shall be established by the legislature, not exceeding the sum of fifteen hundred dollars per year."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. J. Allen Barber, Beall, Bell, Doty, Edgerton, French, Granger, James H. Hall, Hill, N. F. Hyer, James, Rogan, George B. Smith, and Steele—14.

Those who voted in the negative were,

Messrs. Atwood, Baird, Hiram Barber, Bennett, Berry, Bevans, Boyd, Brace, Hiram Brown, Carter, Horace Chase, Warren Chase, Clark, Clothier, Combs, Cooper, Coxe, Crawford, Dickinson, Dunning, Ellis, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Green, Hackett, Harkin, Hayes, Hazen, Hicks, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Inman, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Noggle, O'Connor, Patch, Phelps, Pierce, Prentiss, Rankin, Seaver, A. Hyatt Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—66.

The said amendment as amended was then concurred in.

Mr. Steele moved to amend the 6th amendment of the committee

of the whole to said article, by striking out the word "ten," and inserting the word "five."

Which was disagreed to.

The remaining amendments of the committee of the whole to said article were then concurred in.

Mr. Tweedy moved to amend the 2nd section by striking out all after the word "yearly," in the 4th line, and add the following, "such sum as shall be prescribed by law, not exceeding one thousand dollars; and shall keep his office at the seat of government," when

Mr. Bevans moved to amend the amendment by striking out the words "not exceeding $1000,"

Which was agreed to.

And a division having been called for,

There were 18 in the affirmative, and 27 in the negative.

Mr. Bennett moved to amend the amendment by striking out the words "not exceeding $1000," and insert "not exceeding $500 for the first 10 years."

Which was disagreed to,

J. Allen Barber moved to amend the amendment by striking out the words "not exceeking $1000," and insert '$800 per annum for the 1st ten years".

Which was disagreed to.

And a division having been called for.

There were 20 in the affirmative, and 34 in the negative.

The question then recurred on the amendment of Mr. Tweedy,

And having been put,

It was decided in the affirmative.

And a division having been called for,

There were 41 in the affirmative, and 5 in the negative.

Mr. Noggle moved to amend the 2nd section, by inserting after the word "state," in the 1st line, the words "who shall ex-officio be the auditor," and by striking out the words "an auditor."

Which was agreed to.

Mr. Bennett moved to amend by inserting before the words "unless the legislature," in the 12th section of said article, the words: "and all bills which shall have been presented to the governor twelve hours before the end of the session of the legislature, shall be signed by him, or returned with his objections."

Which was disagreed to.

And a division having been called for,

There were 26 in the affirmative, and 29 in the negative.

Marshall M. Strong moved to amend by striking out the 13th section, and inserting the following, to wit;

Sec. Every bill which shall have passed both houses of the le-

gislature, shall be presented to the governor, if he approve, he shall sign it and transmit it to the secretary, but if not, he shall return it to the house in which it originated, with his objections, which shall be entered on the fournal of the house; and if such house shall upon reconsideration again pass it by a majority of all the persons elected to such house, it shall be sent, with the objections, to the other house, and if approved also by a majority of all the persons elected to that house, it shall become a law; but in such cases, the votes of both houses shall be determined by ayes and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it. And all bills which shall have been presented to the governor twelve hours before the end of the session of the legislature, shall be signed by him, or returned with his objections.

Wm. R, Smith moved to amend the amendment by striking out the word "three," and inserting the word "ten."

Which was disagreed to,

Mr. Loyell moved to amend the amendment by striking out all after the words "signed it."

Which was disagreed to.

And a division having been called for,

There were 11 in the affirmative,

Negative not counted.

The question then recurred on the amendment offered by Marshall M. Strong

And having been put,

On the adoption of the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Hiram Barber, J. Allen Barber, Bennett, Bevans, Warren Chase, Combs, Gibson, Giddings, Gillmore, Hackett, Hazen, Hicks, Heubschmann, Hunkins, Madden, O'Connor, Marshall M. Strong, and Tweedy—19.

Those who voted in the negative, were

Messrs. Atwood, Beal', Bell, Berry, Boyd, Brace, Hiram Brown, Carter, Horace Chase, Clothier, Cooper, Crawford, Dickinson, Doty, Edgerton, Ellis, Fuller, Goodell, Goodrich, Granger, Green, Geo. B. Hall, James H. Hall, Harkin, Hill, Holcomb, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Mills, Noggle, Patch, Phelps, Pierce, Prentiss, Mr. President, Rankin, Rogan, Seaver, A. Hyatt Smith, George B. Smith,

Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Moses M. Strong, Wakeley, Whiteside and Willard—56.

Mr. O Connor moved that the convention take a recess until two o'clock P. M.

Which was agreed to.

And a division having been called for,

There were 46 in the affirmative,

Negative not counted.

Two O'clock, P. M.

No. 18. "Article on the executive of the State,"

Was taken up; when

Asa Kinney moved to amend the third section of the article on the administrative power, by striking out all after the word "yearly," and insert as follows, to wit:

"A sum to be prescribed by law, not exceeding dollars, which shall not be increased or diminished during the term for which they shall have been elected;" and strike out the word "auditor,"

Mr. Hackett moved to fill the blank with 500,

Which was disagreed to.

Warren Chase moved to amend the amendment by striking out all after the word "law,"

Which was agreed to.

The amendment as amended was then adopted.

Wm. R. Smith moved to amend the 4th section of said article by striking out the following words, to wit:

"No officer named in this article shall charge, take or receive to his own use, any fees or perquisites in his office,

Which was agreed to,

Mr. Clothier moved to amend by adding to the 1st section as follows, "and shall not be eligible to the same office more than four years in a term of six years."

Which was disagreed to.

Wm. R. Smith moved to amend by striking out the word "3", in the 9th line of the 3d section, and inserting in lieu thereof the word "5."

Which was disagreed to,

And a division having been called for,

There were 23 in the affirmative, and 33 in the negative.

Wm. R. Smith moved to amend the said article by striking out the 5th section thereof.

Which was agreed to.

And a division having been called for,

There were 37 in the affirmative, and 17 in the negative

Mr. Lovell moved to amend the 4th section, by striking out the words "such officer," and insert the words "officer named in this article."

Which was agreed to.

Mr. Hicks moved to amend the second section by striking out the words "a citizen of the United States and," when

Asa Kinney called for the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the amendment of Mr. Hicks.

And decided in the negative.

And the ayes and noes having been called for and ordered:

Those who voted in the affirmative, were,

Messrs. Carter, Warren Chase, Cooper, Ellis, Goodell, Harkin, Hicks, Jenkins, Madden, Patch, Phelps, George B. Smith, Marshall M. Strong, Wakely and Whiteside—15.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Bell, Bennett, Berry, Bowker, Boyd, Brace, Hiram Brown, Horace Chase, Clothier, Coxe, Crawford, Dennis, Dickinson, Dunning, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Goodrich, Goosdell, Green, Hackett, George B. Hall, James H. Hall, Hayes, Hazen, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Mills, Noggle, Rankin, Rogan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Moses M. Strong, Tweedy and Willard—59.

The said article was then ordered to be engrossed for a third reading.

No. 12. "Article on organization and officers of counties and towns, and their powers and duties,"

Was then taken up, when

Mr. Phelps moved to amend the 1st section thereof by striking out the words "town and,"

Which was disagreed to.

Mr. Judd moved to amend by inserting after the word "boards," the words "of supervisors" in the first line of the second section of said article,

Which was agreed to.

N. F. Hyer moved to amend the 3d section by striking out the words "374," and insert the words "576."

Which was disagreed to.

A. Hyatt Smith moved to amend the 4th section thereof, by inserting after the word "ineligible," the words "to the same office,"

Which was agreed to.

Mr. Dennis moved to amend by striking out the 3d section of said article,

A. Hyatt Smith moved to amend the 3d section by striking out of the proviso the words "not exceeding in number said cities,"

Which was agreed to.

And a division having been called for,

There were 28 in the affirmative, and 26 in the negative.

Mr. Heubschmann moved to amend by striking out the proviso,

Which was disagreed to.

The question was then put on the amendment of Mr. Dennis,

And was decided in the affirmative.

And a division having been called for,

There were 51 in the affirmative,

Negative not counted.

Mr Judd moved to amend the 2d section by striking out the words "county boards," and inserting in lieu thereof, the words "boards of county officers,"

Which was agreed to.

Geo. B. Hall moved to amend the said article by striking out the words "in every three years," in the 4th section thereof, and insert in lieu thereof, the word "annually".

Which was disagreed to.

A. Hyatt Smith moved to amend the second section by striking out the word "they," and the word "prescribe," and insert the words "be prescribed by law."

Mr. Brace called for the previous question,

Which was ordered,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the amendment of A. Hyatt Smith,

And was decided in the affirmative,

The question was then put on concurring in the amendments of the committee as amended,

And was decided in the affirmative,

The said article was then ordered to be engrossed for its third reading.

The resolution introduced by Mr. Randall, relative to co'ored suffrage,

Was then taken up, when

Mr. Whiteside moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Hiram Barber, J. Allen Barber, Bennett, Brace, Clark, Coxe, Crawford, Dunning, Goodrich, Goodsell, Hackett, Harkin, Hayes, Hicks, Holcomb, Inman, James, Janssen, Jenkins, Joseph Kinney, Madden, Noggle, Pierce, Mr. President, A. Hyatt Smith, Wm. R. Smith, Marshall M. Strong, Moses M Strong, and Willard—31.

Those who voted in the negative, were

Messrs. Atwood, Beall, Bell, Berry, Bowker, Boyd, Hiram Brown, Carter, Horace Chase, Warren Chase, Clothier, Combs, Cooper, Dennis, Dickinson, Doty, Edgerton, Ellis, Elmore, French, Fuller, Gibson, Giddings, Goodell, Granger, Green, George B. Hall, James H. Hall, Hazen, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Judd, Asa Kinney, Lovell, Mills, Patch, Phelps, Prentiss, Rankin, Rogan, George B. Smith, Sewall Smith, John Y. Smith, Soper, Tweedy, Wakeley and Whiteside—50.

Mr. Judd moved that the said resolution be read the 1st and 2nd times, and be referred to the committee of the whole,

Which was agreed to.

Mr. Chase moved that the further consideration of

No. 9. "Article on collection of debts,"

Be postponed until Saturday next, and be made the special order of the day for that day.

Which was disagreed to.

Mr. Clothier moved to amend the 1st section thereof by striking out the words "one hundred dollars," and insert the words "twenty five dollars."

Which was disagreed to.

Mr. Heubschmann moved to amend the said article by striking out the words "dollars," and inserting in lieu thereof, the word cents."

Which was disagreed to.

A. Hyatt Smith called for the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Berry, Hiram Brown, Horace Chase, Warren Chase, Clothier, Crawford, Doty, Dunning, Ellis, Elmore, French, Goodrich, Goodsell, Hayes, N. F. Hyer, Geo. B. Smith, Sewall Smith and Willard—18.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. A. Barber, Beall, Bell, Bennett, Bowker, Boyd, Brace, Carter, Cooper, Coxe, Dennis, Dickinson, Edgerton, Fuller, Gibson, Giddings, Gillmore, Goodell, Granger, Green, Hackett, G. B. Hall, J. H. Hall, Harkin, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, Inman, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Noggle, O'Connor, Patch, Phelps, Pierce, Prentiss, Mr. President, Rankin, Rogan, Scayer, A. Hyatt Smith, John Y. Smith, Wm. R Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely and Whiteside—63.

No. 19. "Article on license,"

Was taken up, when

Mr. Judd moved that the said article be referred to the same committee of the whole which shall have under charge,

No. 22. "Article prohibiting the restriction of trade,"

Which was agreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 20. "Article to abolish death as a capital punishment."

Mr. Phelps in the Chair,

And after sometime spent therein, rose, and by their chairman, reported the same back without amendment.

Marshall M. Strong moved to amend by striking out the words "and solitary."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bennett, Berry, Bowker, Boyd, Horace Chase, Warren Chase, Clothier, Combs, Coxe, Crawford, Dennis, Dickinson, Doty, Edgerton, Ellis, Elmore, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Green, Hackett, George B. Hall, Harkin, Hazen, Hicks, Hill, Holcomb, Heubschmann, George Hyer, N. F. Hyer, Janssen, Jenkins, Judd, Joseph Kinney, Madden, Mills, Noggle, O'Connor, Patch, Pierce, Prentiss, Mr. President, Rogan, Seaver, Geo. B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Tweedy, Wakeley and Willard—62.

Those who voted in the negative, were

Messrs. Hiram Brown, Carter, Cooper, French, Granger, Inman, James, Asa Kinney, Phelps, Steele, and Moses M. Strong—11.

Horace Chase moved to amend by striking out the words "as a penalty," when

Mr. Elmore called for the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on the amendment of Mr. Chase,

And was decided in the negative

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were

Messrs. Atwood, J. Allen Barber, Bell, Bennett, Berry, Bowker, Hiram Brown, Carter, Warren Chase, Combs, Crawford, Dennis, Dickinson, Doty, Edgerton, Ellis, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Green, Hackett, Geo. B. Hall, James H. Hall, Harkin, Hazen, Hicks, Hill, Holcomb, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Joseph Kinney, Madden, Noggle, O'Connor, Phelps, Pierce, Rogan, Seaver, George B. Smith, Sewell Smith, William R. Smith, Soper, Steele, Wakeley, Whiteside and Willard—55.

Those who voted in the negative, were

Messrs. Agry, Baird, Hiram Barber, Beall, Boyd, Horace Chase, Clothier, Cooper, Coxe, French, Heubschmann, James, Judd, Asa Kinney, Mills, Patch, Prentiss, Mr. President, John Y. Smith, Marshall M. Strong, Moses M. Strong, and Tweedy—22.

The convention then resolved itself into committee of the whole on

No. 21. "Article prescribing the political year of the state."
Mr. Baird in the chair.

And after some time spent therein, the committee rose, and by their chairman reported the same back without amendment.

The said article was then ordered to be engrossed for its third reading.

Mr. Judd moved that the convention do now adjourn,
Which was disagreed to.

And a division having been called for,
There were 32 in the affirmative, and 33 in the negative.

The convention again resolved itself into committee of the whole, for the consideration of,

No. 19. "Article on license," and

No. 22. "Article prohibiting the restriction of trade."
Marshall M. Strong in the chair.

And after some time spent therein, rose, and reported the same back without amendment.

Mr. Baird moved that,

No. 19. "Article on license,"
Be laid upon the table.

Which was agreed to,
Horace Chase moved that the further consideration of
No 22. "Article prohibiting the restriction of trade,"

Be indefinitely pastponed,
Which was disagreed to.

Mr. Agry moved the previous question,
Which was seconded,
And the question having been put,
"Shall the main question be now put?"
It was decided in the affirmative.
The question was then put on the amendment of Mr. Chase,
And was decided in the negative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the negative.

And the ayes and noes having been called for and ordered,
Those who voted in the affirmative were,

Messrs. Warren Chase, Doty, Ellis, Goodrich, Green, Harkin, Jenkins, O'Connor, Wm. R. Smith, Steele, Moses M. Strong, and Willard—12.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Boyd, Brace, Hiram Brown, Carter, Horace Chase, Clothier, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Edgerton, Elmore, Gibson, Giddings, Gillmore, Goodell, Goodsell, Granger, Hackett, Geo. B. Hall, James H. Hall, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, Nathaniel F. Hyer, Inman, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Noggle, Patch, Prentiss, Mr. President, Rogan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, Soper, Marshall M. Strong, Tweedy and Wakely—62.

On motion of Mr. O'Connor,

The convention adjourned.

TUESDAY, November 10, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Mr. Gibson presented the petition of G. D. Curtis and 8 others, asking that the elective franchise may be extended to people of color,

And moved its reference to the same committee of the whole to which the resolution relative to colored suffrage had been referred.

Which was agreed to.

Mr. Hunkins, from the committee on engrossment reported articles nos. 20 and 21, and

Marshall M. Strong, from the same committee, reported articles nos. 12 and 18, as correctly engrossed.

Mr. Fuller introduced the following resolution, to wit:

"Whereas, the custom of licensing theatrical shows and exhibitions, the sale of lottery tickets, and of intoxicating liquors, recognizes such exhibitions and sales as tending to weaken and debase the public morals, and consequently to work evil to the foundation principles of a republican government,

Therefore, Resolved, That the committee on the powers and restrictions of the legislature, be instructed to report an article prohibiting the legislature from licensing, or permitting by their sanction, such sales and exhibitions in this state."

Mr. James introduced the following resolution, which was read, to wit:

"Resolved, That it is contrary to the true meaning and interest of this convention, for members to leave on business of an ordinary nature, that each member of this convention in order to discharge the duties imposed upon him by his constituents, should at all times be present, unless upon account of sickness or some providential hindrance.

Therefore, Resolved, that no member of this convention shall be entitled to receive any pay as such member, during his absence from this convention, unless on account of sickness or some providential hindrance, which shall be shown satisfactorily to this convention."

The resolution introduced by Mr. Steele, on yesterday, relative to the mileage of the officers of this convention,

Was taken up.

And the question having been put on the adoption of the said resolution,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hicks, O'Connor, and Steele—3.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Hiram Barber, J. Allen Barber, Bell, Bennett, Berry, Boyd, Brace, Hiram Brown, Carter, Horace Chase, Warren Chase, Clothier, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Ellis, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodsell, Granger, Green, Hackett, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hazen, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Mills, Noggle, Phelps, Mr. President, Rankin, Rogan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Mashall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—75.

"No. 12, article on the organization and officers of counties and towns, and their power and duties,"

Was then taken up, and read the third time, when

Mr. Dennis moved that the same be recommitted to the committee of the whole.

Which was disagreed to.

The question then recurred on the passage of the said article,
And having been put,
It was decided in the negative.
And the ayes and noes being required by the rules,
Those who voted in the affirmative, were

Messrs. Baird, Warren Chase, Doty, Gibson, Goodel', George B. Hall, Hazen, Hill, James, and Wm. R. Smith,—10.

Those who voted in the negative, were

Messrs. Agry, Atwood, H. Barber, J. A. Barber, Bell, Bennett, Berry, Bowker, Boyd, Brace, Hiram Brown, Horace Chase, Clothier, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Drake, Edgerton, Ellis, Elmore, French, Ful'er, Giddings, Gillmore, Goodsell. Granger, Green, Hackett, James H. Hall, Hammond, Harkin, Hays, Hicks, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Inman, Janssen, Jenkins, Judd, Kern, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Mills, Noggle, O'Connor, Phelps, Prentiss, Mr. President, Rankin, Rogan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, Whiteside and Willard—70.

No. 18, "article on the Executive of the State,"
Was then taken up and read the third time.
And the question having been put,
On the passage of the said article,
It was decided in the affirmative.
And the ayes and noes being required by the rules,
Those who voted in the affirmative were,

Messrs. Agry, Atwood, Baird, H. Barber, Bell, Bennett, Berry, Bowker, Boyd, Brace, Hiram Brown, Carter, Horace Chase, W. Chase, Clothier, Coxe, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, French, Fuller, Giddings, Gillmore, Goodrich, Goodsell, Green, Hackett, George B. Hall, James H. Hall, Harkin, Hazen, Hill, Holcomb, Heubschmann, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kern, Asa Kinney, Joseph Kinney, Lovell, Mills, Noggle, O'Connor, Phelps, Pierce, Prentiss, Mr. President, Rankin, Rogan, Seaver, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakeley, Whiteside and Willard—69.

Those who voted in the negative, were

Messrs. J. A. Barber, Cooper, Crawford, Elmore. Gibson, Hammond, Hayes, Hicks, Hunkins, Madden, and A. Hyatt Smith—11.

So the article passed, and the title thereof was agreed to.

No. 20, "article to abolish death as a capital punishment,"
Was then taken up, and read the third time, when

Geo. Hyer moved that the convention take a recess until this afternoon, at 2 o'clock.

Which was disagreed to.

Moses M. Strong moved that the convention take a recess until 2 o'clock, P. M.

Which was agreed to.

TWO O'CLOCK, P. M.

No. 20, "article to abolish death as a capital punishment," it being business in order,

Was taken up, when

Warren Chase moved that the further consideration of said article be postponed until one week from Tuesday next.

Which was agreed to.

And a division having been called for,

There were 49 in the affirmative,

Negative not counted.

No. 21, "article prescribing the political year of the State,"

Was taken up, and read the third time, and

The rule requiring the ayes and noes to be called on the passage of articles,

Having been first suspened,

The said article was passed,

And the title thereof agreed to.

The convention then resolved itself into committee of the whole for the consideration of

Articles nos. 23, 10, and 24.

Moses M. Strong in the chair.

And after some time spent therein,

The committee rose and by their chairman reported

Article no. 23 back to the convention without amendment,

And reported progress on nos. 10 and 24, and asked leave to sit again thereon.

Leave was granted.

J. Allen Barber then rose and made the following announcement.

Died, at his residence, at the Hermitage, Nov. 5, 1846, THOMAS P. BURNETT, aged 46 years and two months.

Also, same day, LUCIA M. BURNETT, his wife, aged 29 years and 7 months.

Also, at the same place, on the 1st inst., Mrs. JUDITH BURNETT, mother of Mr. Burnett, aged 73 years.

And also offered the following resolutions:

Resolved, That this convention has heard the announcement of the appalling intelligence of the death, by a malignant fever, during the same day, of the Hon. Thomas P. Burnett, one of its members from the county of Grant, his wife and mother, with feelings of the most poignant grief and heart rending sorrow.

Resolved, That in the death of the Hon. Thomas P. Burnett, this convention has lost one of its most talented, intelligent and useful members, community one of its most valuable citizens and brightest ornaments; his immediate circle of acquaintances an ardent friend, and his family kindred have sustained a loss, for which, the expression of our deepest and warmest sympathies can afford but a slight consolation.

Resolved, That as a testimony of our respect for the deceased, the members of this convention will wear crape on the left arm for thirty days.

Resolved, As a further testimony of respect for the deceased, that this convention will adjourn over the morrow.

Resolved, That a copy of these resolutions be signed by the President and Secretary and transmitted to the relatives of the deceased.

And the question having been put,

On the adoption of said resolutions,

They were unanimously adopted.

So the convention adjourned until Tuesday morning, at 9 o'clock, A. M.

THURSDAY, NOV. 12, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Petitions were presented and referred as follows:

By Wm. R. Smith, a petition of 29 inhabitants of Dane and Iowa counties, asking for the exemption from forced sale of the homestead of citizens.

By Geo. B. Smith, a petition of 60 citizens of the county of Dane, on the same subject.

By Mr. Clark, a petition of citizens of Sauk county, on the same subject.

Which were severally referred to the committee on miscellaneous provisions.

Mr. Holcomb, from the selectc ommittee to which the subject had been referred, reported

No. 26. "Article relative to an equitable division of the territory."

The select committee "to inquire into the expediency of dividing the Territory of Wisconsin, and locating such line of division as shall equitably divide the same into two states," have had the same under consideration, and respectfully report:

That in their opinion, the Territory of Wisconsin should be equitably divided, for the following principal reasons:

1. The large extent and peculiar shape of the territory, and the consequent inequality in the benefits of government.

2. The late act of Congress, dated August 6, 1846, dividing the same.

3. The present unequal representation in the Senate of the United States.

Your committee have found in examining the subject, that the area included within the present undisputed limits of Wisconsin Territory may be estimated at about 90,000 square miles, and is about as large as New York and Pennsylvania together; and the length of the same

entirely disproportioned to its breadth, averaging about 200 miles wide, and some 6 or 700 miles long.

The present population in the vicinity of the west end of Lake Superior, and the settlements now forming immediately south of the same, continuing to the Mississippi river, are greatly inconvenienced, on account of the distance from the seat of their present legislature, and, so far as distance is concerned, without a parallel in the history of any of the states in this Union; the north is, therefore, liable to great injustice by the legislature, passing laws touching their interest before it could be possible for the inhabitants of that region to get any information on the subject, and have sufficient time to exercise the inestimable right of petition or remonstrance within the ordinary time of any session of the legislature. That a large proportion of the territory located between the Wisconsin and Chippewa rivers, a distance of near 150 miles, is broken and undesirable for cultivation and settlement which renders it probable that the facilities of a speedy winter communication between this section of country and the remote settlements of the northwest, cannot be had for many years—the great barrier, &c. of distance, forbids the equal distribution of the benefits and privileges of State government now to be formed, and renders them almost worthless to the inhabitants of that region.

The late act of Congress defining the nortwest boundary line, commencing at the first falls in the river Saint Louis west from Lake Superior, and running due south to the Saint Croix, and down the channel of the same to the Mississippi river, is highly objectionable to the inhabitants of the valley of the St. Croix river, as it places the settlements under different governments, alienates the common feeling of interest in society, and gives concurrent jurisdiction to the legislatures of different states in regulating all the improvements in the river requiring chartered privileges—whose conflicting interests are so multiplied that even the legislature of one state might not control, reconcile and restrain them—and if resort could be had to two, great advantage may be taken of each other by individuals, a wide door open to litigation, and the inhabitants on the different sides of the river arrayed and exasperated against each other.

The late act of Congress, however, has this favorable effect with the committee, in that it has manifested a disposition to divide the present Territory of Wisconsin, which without consent of parties,, under the ordinance of 1787, your committee have doubted whether such division could be made; but the area intended to be included by the act is so extended to the north and west, that your committee, independent of the other objections, think the line of division improperly located and unequitable, cutting off the Territory on the south-

west from any commercial point or advantage at the west end of Lake Superior, to whom it naturally belongs, even if the line established by Congress should remain unaltered.

And it also includes within the limits of the state all of the east shore of the river Mississippi to very near the head of uninterrupted steam navigation, so that the territory northwest of the Saint Croix river has its permanent commercial advantages confined to a very circumscribed limit on the east bank of the Mississippi, and cut off entirely on the south shore of Lake Superior; while on the other hand, within the limits of the state, the principal commercial points of the south shore of Lake Superior and the upper Mississippi are retained; but so remote are these sections of country from the seat of government of the prospective state, that they are beyond the reach of its equal benefits—therefore both justice and equity requires that a more southerly line than that specified in the act of Congress should be adopted.

Your committee have considered it a matter of deep importance, if by a hasty entrance into the Union, the many millions that are, in all human probability, to inhabit this Territory in future, should be compelled to commit the representation in the senate of the United States to two senators, which is all that one state is entitled to; and as the limits of the whole is capable of sustaining a population equal to that of two large states, your committee have been greatly influenced in favor of dividing the territory on that account. They have also had a deep sense of the unequal representation now in the senate of the United States from the different states in the Union, as compared with the representation in the lower house of Congress; the latter being based upon an equal ratio of population in all the states, while the senate has the same representation from every state, however large or small: for instance, the six New England states has 12 senators & 31 representatives, with an area in the aggregate of 65,310 miles, according to Malte-Brun; while New York and Pennsylvania, with an area of 90,150 miles, has four senators and fifty six representatives. Although the five states located in the northwest Territory by the ordinance of 1787, may not now be as much out of proportion in their representation in Congress as New York and Pennsylvania is with the New England states: yet the time is rapidly approaching when they may be, as the representation from the new states in the lower house of Congress is continually increasing, while that in the senate remains the same, therefore the importance of the new states entering the Union as nearly uniform in size as may be practicable: and for the information of those who may not be informed on the subject, is herewith annexed Schedule (marked A), of most of the states in the Union, exhibiting the comparative size of each.

Your committee, after mature deliberation, taking into view the variety of soil, surface, and resources generally, do recommend that the line dividing the Territory of Wisconsin should commence in the channel of the Mississippi river, directly south of the highest peak on Mountain Island, which, according to Nicollet's map, is about where the 44th deg. of latitude crosses the Mississippi; thence due north a half degree; thence on a direct line (northeasterly) to the head waters of Montreal river, striking said head waters at the same place, as marked upon the survey made by Captain Cram; thence down the main channel of Montreal river to the middle of Lake Superior.

All of which is respectfully submitted.

WILLIAM HOLCOMB, Chairman.

A

AREA OF THE SEVERAL STATES,

BY MALTE-BRUN.

	square miles.		square miles.
1. Maine.	32,000	17. Mississippi,	43,350
2. New Hampshire,	9,280	18. Louisiana,	48,000
3. Vermont,	10,200	19. Tennessee,	41,300
4. Massachusetts,	7,800	20. Kentucky,	39,000
5. Rhode Island,	1,360	21. Ohio,	38,500
6. Connecticut,	4,670	22. Indiana,	36,250
7. New York,	46,200	23. Illinois,	49,000
8. New Jersey,	6 900	do. in dispute,	10,000
9. Pennsylvania,	43,950	24. Missouri,	60,000
10. Delaware	2,060	25. Michigan,	38,750
11. Maryland,	10,800	do. in dispute,	
12. Virginia,	64,000	26. Arkansas,	
13. North Carolina,	43,300	27. Florida,	
14. South Carolina,	30 080	28. Texas,	
15. Georgia,	58,200	29. Iowa,	
16. Alabama,	50,800	34. Wisconsin,	

Which was read,

Referred to the committee of the whole and ordered to be printed.

Moses M. Strong moved that 1000 extra copies of the report be printed,

Which was agreed to.

Wm. R. Smith, from the select committee to which had been referred the petition of Matthias J. Bovee, asking to contest the seat of Mr. Burchard, made the following report, to wit:

The committee to whom was referred the petition of M. J. Bovee, contesting the seat of Chas. Burchard, report,

That no action has yet been had on the subject, except that of appointing a day for hearing the parties; which has now arrived, and that in consequence of the lamented death of the chairman of the committee, Thos. P. Burnett. the committee is not full, they therefore request that another member be added thereto.

The said report was accepted.

The president then announced the appointment of the following additional member of said committee, to wit:

Mr. Jenkins.

Leave of absence was asked for and granted as follows, to wit;

By Joseph Kinney for Messrs. Hackett and Noggle.

By Mr. Burt for Mr. Gillmore.

By Mr. Fuller, for himself for three days.

Mr. Giddings introduced the following resolution. to wit:

"Resolved, That the territorial treasurer be directed to pay Thos. McHugh the sum of fifty dollars, as part pay for his services as assistant secretary of this convention."

And the rules having been first suspended for that purpose,

The said resolution was adopted.

The resolution introduced on the 10th inst. relative to prohibiting the legislature from licensing sales of intoxicating liquors, &c.,

Was taken up, when

Mr. Fuller moved that the same be referred to the committee on the powers and restrictions of the legislature,

Which was agreed to.

And a division having been called for,

There were 26 in the affirmative, and 10 in the negative.

The resolution introduced on the 10th inst. by Mr. James, relative to the absence of members of this convention,

Was taken up, when

Mr. Ellis moved that the same be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Hiram Barber, Bennett, Boyd, Carter, Combs, Cooper, Coxe, Crawford, Cruson, Dickinson, Doty, Dunning, Ellis, French, Goodsell, James H. Hall, Hammond, Hayes, Holcomb, Hunkins, Geo. Hyer, Judd, Lovell, Madden, Manahan, Meeker, Patch, Parkinson, Phelps, Prentiss, Mr. President, Randall, Rankin, Rogan, Steele, Marshall M. Strong, Moses M. Strong, Wakeley, White, Whiteside and Willard—42.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Bell, Berry, Bowker, Brace, Hiram Brown, Burchard, Burnside Burt, Warren Chase, Clark, Clothier, Dennis, Drake, Edgerton, Elmore, Fuller, Gibson, Giddings, Goodell, Goodrich, Granger, Green, Geo. B. Hall, Harkin, Hazen, Hicks, Heubschmann, Inman, James, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, and Tweedy—42.

Mr. Randall moved to amend the said resolution,

By adding the words "or on leave of absence granted by this convention."

Pending the question on said amendment,

The morning hour having expired,

The said resolution was laid over until to-morrow under the rules.

No. 23. "Article restraining leasehold estates,"

Was taken up; when

Moses M. Strong moved to amend the same by inserting after the word "agricultural" the words "or mineral".

Which was agreed to.

Mr. Jenkins moved to strike out the number "12" and insert in lieu thereof the number "20".

Which was agreed to.

And a division having been called for,

There were 36 in the affirmative,

And 21 in the negative.

Moses M. Strong moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, J. Allen

Barber, Beall, Bell, Bennett, Boyd, Brace, Hiram Brown, Burnside, Carter, Warren Chase, Clark, Clothier, Combs, Cooper, Coxe, Cruson, Dickinson, Doty, Drake, Dunning, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Granger, Green, Geo. B. Hall, Hammond, Hayes, Hazen, Hicks, Holcomb, Heubschmann, Hunkins, Geo. Hyer, James, Janssen, Jenkins, Judd, Joseph Kinney, Lovell, Madden, Manahan, O'Connor, Patch, Parkinson, Phelps, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewell Smith, Wm. R. Smith, Soper, Steele, Moses M. Strong, Tweedy, Wakeley, White, and Whiteside—74.

Those who voted in the negative, were

Messrs. Berry, Burchard, Burt, Crawford, Ellis, Jas. H. Hall, Harkin, Inman. Asa Kinney, Marshall M. Strong and Willard—11.

Mr. Steele asked that leave of absence be granted to Mr. Hill.

Leave was granted.

The convention then resolved itself into committee of the whole, for the further consideration of articles nos. 10 and 24.

Moses M. Strong in the chair.

And after some time spent therein,

The committee rose and by their chairman,

Reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Mr. Baird,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole, for the consideration of

No. 10. "Article on the constitution and organization of the legislature," and

No. 24. "Article on the powers, duties and restrictions of the legislature."

Moses M. Strong in the chair.

And after some time spent therein,
The committee rose and by their chairman,
Reported progress thereon, and asked leave to sit again.
Leave was granted.

Moses M. Strong moved that a select committee of nine be appointed, to digest and report an apportionment of representation of Senators and Representatives among the several counties, and that they report a tabular statement of the effect of the representation, upon the different basis for a House of Representatives consisting of members from fifty to seventy members.

Which was agreed to.

The President announced the appointment of the following committee under the said motion, to wit:

Messrs. Moses M. Strong, Hiram Barber, Wm. R Smith, Marshall M. Strong, Beall, Agry, Heubschmann, Paker and Cruson.

Geo. Hyer asked that leave of absence be granted him for three days.

Leave was granted.

On motion of Mr. Agry,
The convention adjourned.

FRIDAY, November 13, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read and corrected.

Mr. Steele presented 2 petitions of citizens of Racine county, asking that the homestead of citizens be exempted from forced sales.

Which, on his motion,
Were referred to the committee on miscellaneous provisions.

Mr. Baird introduced the following resolution, which was read, to wit:

"Resolved, That the sum of twenty three dollars and 25 cents for mileage, and per diem allowance for the entire session, be allowed to the late Thomas P. Burnett, Esq, a member of this convention, and that the Treasurer of the Territory be and he is hereby authorized and

directed to pay the same to Alfred Brunson, Esq. for the use and benefit of the orphan children of the said Burnett, deceased."

William R. Smith introduced the following resolution, to wit:

"Resolved, That the use of this Hall be granted on Sunday morning next, for the purpose of having a discourse delivered by the Rev. S. McHugh, Chaplain to the convention, on the late melancholy event of the decease of one of its members."

And the rules having been first suspended for that purpose,

The said resolution was adopted.

The resolution introduced by Mr. James, on the 10th inst., relative to the absence of members, and which was laid over yesterday under the rules,

Was taken up, when

Mr. Holcomb moved that the said resolution be laid upon the table.

Which was agreed to.

The convention resolved itself into committee of the whole, for the further consideration of

Articles Nos. 10 and 24.

Mr. Hunkins in the chair,

And after some time spent therein,

The committee rose, and by their chairman,

Reported the said articles back to the convention with amendments to each.

Moses M. Strong, from the select committee appointed on yesterday to report an apportionment of representation among the several counties, &c., by leave, reported

A tabular statement on that subject.

The said report was received.

Moses M. Strong moved that the same be printed.

Which was agreed to.

Mr. Hunkins, from the committee on engrossment, by leave, reported

No. 23. "Article restraining leasehold estates,"

As correctly engrossed.

Mr. Barber moved that the further consideration of

No. 10. "Article on constitution and organization of the legislature,"

Be postponed until to-morrow.

Which was agreed to.

Mr. Whitesides moved that the convention adjourn until 2 o'clock, P. M.

Which was disagreed to.

The question being on concurring in the amendments of the committee of the whole, to

Article No. 24,

A division of the question was called for,

And the question having been put,

On the amendments of the committee of the whole separately,

They were severally concurred in.

Mr. Berry moved to amend the said article,

By striking out the 21st section thereof.

Which was disagreed to.

Marshall M. Strong moved to amend by adding a new section, as follows, to wit:

"Section . The legislature shall never authorize any lottery."

Which was agreed to.

And a division having been called for,

There were 45 in the affirmative,

Negative not counted.

Warren Chase moved to amend

By adding a new section, as follows:

"Sec. . It shall be the duty of the legislature, to provide by law for abolishing the punishment of death for capital crimes, and for the substitution of some other mode of punishment instead thereof."

And pending the question thereon,

On motion of Mr. Hunkins,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No. 24, was then taken up.

And the question being on the amendment of Mr. Chase,

Moses M. Strong moved a call of the house,

Which was seconded, and

Messrs. John M. Babcock, Baker, Bell, Bowker, Chamberlain, Coxe, Dennis, Dunning, Ellis, Gray, Hayes, Hill, N. F. Hyer, Phelps, Pierce, Randall, John Y. Smith and Steele, reported absent.

On motion,

Messrs. Chamberlain and Gray were excused from their attendance.

Moses M. Strong moved that all further proceedings under the call be dispensed with, some of the absentees having appeared in their seats.

Which was agreed to,

And a division having been called for,

There were 25 in the affirmative,

And 22 in the negative.

The question was then put on the amendment offered by Mr. Chase,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. J. Allen Barber, Bell, Berry, Hiram Brown, Burnside, Carter, Warren Chase, Clark, Crawford, Doty, Elmore, Gibson, Goodell, Goodrich, Green, Geo. B. Hall, Hayes, Hazen, Hicks, Holcomb, Inman, Jenkins, Pierce, Seaver, George B. Smith, Sewall Smith, Soper, Steele, White, Whiteside, and Willard—31.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, Beall, Bennett, Boyd, Brace, Burchard, Clothier, Cooper, Coxe, Cruson, Dennis, Dickinson, Drake, Dunning, Edgerton, French, Giddings, Goodsell, Granger, James H. Hall, Hammond, Harkin, Heubschmann, Hunkins, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Patch, Lovell, Madden, Manahan, Meeker, Mills, Parkinson, Prentiss, Mr. President, Randall, Rankin, Rogan, A. Hyatt Smith, John Y. Smith, Wm. R. Smith, Marshall M. Strong, Moses M. Strong, Tweedy, and Wakely—53.

Marshall M. Strong moved to amend the said article, by adding as follows:

"Sec. . One-fifth of the members present of each house, shall be entitled to call for the ayes and noes on any question, and to have the same entered upon the journal."

Mr, Hicks moved to amend the amendment by striking out the words "one fifth," and inserting the word "any".

Which was disagreed to.

The question then recurred on the amendment offered by Mr. Strong,

And having been put,

It was decided in the affirmative.

Mr. Giddings moved to amend the said article by adding the following section:

"Sec. The legislature shall establish but one system of town and county government, which shall be uniform as near as may be throughout the state."

Which was agreed to,

And a division having been called for,

There were 44 in the affirmative, and 8 in the negative.

Wm. R. Smith moved to amend the said article as follows, to wit:

"Sec. The legislature shall direct by law in what manner and in what courts, suits may be brought against the state," when

Marshall M. Strong called for the previous question,

Which was seconded,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And a division having been called for,

There were 29 in the affirmative, and 13 in the negative.

The question having been put on adopting the amendment of Wm. R. Smith,

It was decided in the affirmative.

The said article was then ordered to be engrossed for its third reading.

No. 23. "Article restraining leasehold estates,"

Was taken up and read the third time.

And the question having been put on the passage of the said article.

It was decided in the affirmative.

And the ayes and noes being required by the rules.

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Baker, J. A. Barber, Beall, Bell, Bennett, Bowker, Boyd, Hiram Brown, Burnside, Carter, Warren Chase, Clark, Clothier, Combs, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Elmore, Gibson, Giddings, Good-

ell, Goodrich, Goodsell, Granger, Green, G. B. Hall, J. H. Hall, Hammond, Hayes, Hazen, Hicks, Heubschmann, Hunkins, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Meeker, O'Connor, Patch, Parkinson, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, Geo. B. Smith, Sewall Smith, John Y. Smith, Wm. R Smith, Soper, Moses M. Strong, Tweedy, Wakely, White and Whiteside—70.

Those who voted in the negative were,

Messrs. Berry, Burchard, Burt, Cooper, Harkin, Holcomb, Inman, Marshall M. Strong, and Willard—9,

Mr. Burt asked that leave of absence be granted him,

Leave was granted.

Moses M. Strong moved that the convention do now adjourn.

Which was disagreed to.

The convention again resolved itself into committee of the whole, for the consideration of,

Articles Nos. 5, 6 and 7, and on sundry rssolutions.

Mr. Judd in the chair,

And after some time spent therein, the committee rose, and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

On motion of Warren Chase,

The convention adjourned.

SATURDAY, NOV. 14, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Rogan presented a petition of citizens of Jefferson county, asking that the homestead of citizens may be exempted from execution or forced sale.

Which, on his motion, was referred to the committee on miscellaneous provisions.

Mr. Hunkins, from the committee on engrossment, reported

No. 24. "Article on the powers, duties and restrictions of the legislature,"

As correctly engrossed.

The resolution introduced by Mr. Baird on yesterday, relative to the mileage and per diem of the late Hon. Thos. P. Burnett; was taken up and adopted.

No. 24. "Article on the powers, duties and restrictions of the legislature,"

Was read the third time, when

Mr. Lovell moved to recommit the article to the committee that reported it, with instructions to strike out the section providing that the state may be sued.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Bell, Bennett, Bowker, Brace, Hiram Brown, Carter, Clothier, Cooper, Coxe, Crawford, Cruson, Dickinson, Edgerton, Ellis, French, Goodsell, Granger, Green, James H. Hall, Hammond, Harkin, Hicks, Heubschmann, Hunkins, James, Lovell, Madden, Mills, Parkinson, Phelps, Pierce, Rankin, Rogan, Soper, Mashall M. Strong, Moses M. Strong, Wakely, White, Whiteside and Willard—43.

Those who voted in the negative were,

Messrs. Agry, Baird, Beall, Berry, Boyd, Burchard, Burnside, Burt, Warren Chase, Clark, Dennis, Doty, Drake, Elmore, Gibson, Giddings, Goodell, Goodrich, Geo. B. Hall, Hayes, Hazen, Holcomb, Inman, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Meeker, O'Connor, Mr. President, Randall, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Steele and Tweedy —39.

No. 10. "Article on constitution and organization of the legislature,"

Was taken up, when

Moses M. Strong moved that the further consideration thereof be postponed until Monday next,

Which was agreed to.

And a division having been called for,

There were 57 in the affirmative,

Negative not counted.

Mr. Barber asked that leave of absence be granted to Mr. Patch,

Leave was granted.

The convention then resolved itself into committee of the whole for the consideration of

Articles Nos. 5, 6 and 7, and sundry resolutions.

Mr. Judd in the chair,

And after some time spent therein, the committee rose, and by their chairman reported progress thereon, and asked leave to sit again.

Leave was granted.

Wm. R. Smith, from the select committee to whom was referred the petition of Matthias J. Bovee, asking to contest the seat of Mr. Burchard, made the following report, to wit:

The committee to whom was referred the petition of Matthias J. Bovee contesting the seat of Charles Burchard, as a member of this convention,

REPORT.

That under the rules established by the committee, the parties proceeded to procure their written testimony, and in pursuance of the same, the depositions of sundry witnesses have been returned to the committee, to wit:

Thirteen on the part of the contestant, and four on the part of the sitting member, namely: those of Joseph Bond, William H. Burgess George Stockman and Martin Field, the board of inspectors of the late election at the town of Mequonego,

That the contestant alleges, that he has been unable (from causes not satisfactorily made known to your committee) to procure the written testimony of sundry witnesses, among whom are named Joseph Bond and George Stockman, whose testimony taken on the part of the sitting member is already before the committee; and in consequence of the said inability on part of the contestant, he asks, under the rules of the committee, further time to procure his testimony, and desires the power of the convention to be interposed in his behalf in sending for the persons of Justin Ohlin, Joseph Bond, J. H. Camp, George Stockman, Joseph Smart, C. R. Harvey, Robert Charley, Asa Hollister, Perry Craig, Robert Wilkinson, S. Y. Scovell, L. P. Silvernail, Lambert Colin, James Bennett, J. S. Ohlin, E. B. Richardson and Edward McGee, they therefore offer the following resolution:

Resolved, That the committee have power to send for the persons of the witnesses named in the above report on the part of the contestant.

Respectfully submitted.

W. R. SMITH, Chairman.

Mr. Baker moved to amend the resolution by adding as follows:

"Resolved, That the territory or state of Wisconsin shall not incur or pay any of the expenses of such proceedings or examination."

Which was agreed to.

Warren Chase moved that the said resolution be laid upon the table.

Which was disagreed to.

Mr. Hunkins moved that the further consideration of said resolution be postponed until Monday next,

Which was disagreed to.

The question was then put on the adoption of the resolution as amended,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Berry, Hiram Brown and Hicks—3.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bowker, Boyd, Brace, Burnside, Burt, Carter, Warren Chase, Clark, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Elmore, French, Gibson, Giddings, Goodell, Goodrich, Goodsell, Granger, Green, Geo. B. Hall, Jas. H. Hall, Hammond, Harkin, Hayes, Hazen, Holcomb, Heubschmann, Hunkins, Inman. James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Mills, O'Connor, Parkinson, Pierce, Prentiss, Randall, Rankin, Regan, Seaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Wakeley, White, Whiteside and Willard—77.

The convention then resolved itself into committee of the whole, on the report of the committe on miscellaneous provisions on resolution No. 5.

Mr. Hunkins in the chair.

And after some time spent therein, rose, and by their chairman reported the same back without amendment.

The report of said committee was then adopted.

The question being on the convention resolving itself into committee of the whole for the consideration of the report of the committee on miscellaneous provisions on resolution No. 2,

Moses M. Strong moved that the committee be discharged, and the said report laid on the table,

Which was agreed to.

Mr. Hicks, by leave introduced the following resolution, which was read, to wit:

"Resolved, That the committee on eminent domain and property of the state, enquire into the expediency of limiting the quantity of land any individual may hereafter possess in this state; and also the expediency of providing that after the death of present owners, the limited quantity be apportioned to the heirs respectively, and the surplus, if any, be sold, and the proceeds distributed among the heirs."

On motion of Moses M. Strong,

The convention adjourned.

MONDAY, NOVEMBER 16, 1846.

Prayer by the Rev. Mr. Miner.

The journal of Saturday was read.

Asa Kinney asked that leave of absence be granted to Horace Chase.

Leave was granted.

Wm. R. Smith by leave presented the petition of ministers of the gospel asking that no article be engrafted in the constitution disfranchising clergymen.

Which was on his motion, referred to the committee on miscellaneous provisions.

Mr. Agry, from the committee on the powers, duties and restrictions of the legislature, reported

No. 27. "Article requiring the legislature to prohibit theatrical shows."

Which was read.

And the question having been put on referring the said article to the committee of the whole,

And ordering the same to be printed,

It was decided in the negative.

And a division having been called for,

There were 24 in the affirmative and 29 in the negative.

Mr. Agry, from the same committee to whom

No. 24, "Article on the powers, duties and restrictions of the legislature,"

Had been referred, with instructions to amend the same, by striking out the 10th section thereof,

Reported the same back with amendment, which was to strike out the tenth section.

Moses M. Strong, from the committee to which it was referred to make an apportionment of senators and representatives, reported,

No. 28. "Article on the apportionment of senators and representatives."

REPORT.

The select committee of eleven, appointed to report an apportionment of the senators and members of the House of representatives among the several counties, respectfully submit the following and recommend its adoption to stand as a section in the article on the construction and organization of the legislature:

Seciion . Until there shall be a new apportionment of the senators and members of the house of representatives, the State shall be divided into senatorial and representative districts as follows, and the senators and members of the House of Representatives shall be apportioned among the several districts as follows, viz:

The county of Brown shall constitute the first representative district,

And shall be entitled to one representative.

The county of Calumet shall constitute the second representative district,

And shall be entitled to one representative.

The county of Manitouwoc shall constitute the third representative district,

And shall be entitled to one representative.

The county of Marquette shall constitute the fourth representative district,

And shall be entitled to one representative.

The county of Winnebago shall constitute the fifth representative district,

And shall be entitled to one representative.

The county of Sheboygan shall constitute the sixth representative district,

And shall be entitled to one representative.

The county of Fond du Lac shall constitute the seventh representative district,

And shall entitled to two representatives.

The county of Columbia shall constitute the eight representative district,

And shall be entitled to one representative.

The counties of Sauk and Richland shall constitute the ninth representative district,

And shall be entitled to one representative.

The county of Washington shall constitute the tenth representative district,

And shall be entitled to four representatives.

The county of Dodge shall constitute the eleventh representative district,

And shall be entitled to four representatives.

The county of Milwaukee shall constitute the twelfth representative district,

And shall be entitled to eight representatives.

The county of Waukesha shall consiitute the thirteenth representative district,

And shall be entitled to six representatives.

The county of Jefferson shall constitute the fourteenth representative district,

And shall be entitled to five representatives.

The county of Dane shall constitute the fifteenth representative district,

And shall be entitled to four representatives.

The county of Racine shall constitute the sixteenth representative district,

And shall be entitled to ten repreaentatives.

The county of Walworth shall constitute the seventeenth representative district,

And shall be entitled to six representatives.

The county of Rock shall constitute the eighteenth representative district,

And shall be entitled to five representatives.

The county of Green shall constitute the nineteenth representative district,

And shall be entitled to one representative.

The county of Iowa shall constitute the twentieth representative district,

And shall be entitled to seven representatives:

Provided, That whenever the said county of Iowa shall be divided, and two new counties shall be organized out of the same, then the northern of said two counties shall be entitled to four representatives, and the southern of said two new counties shall be entitled to three representatives.

The county of Grant shall constitute the twenty-first representative district,

And shall be entitled to five representatives,

The county of Crawford shall constitute the twenty-second representative district,

And shall be entitled to one representative.

The counties of St. Croix and Chippewa shall constitute the twenty-third representatitive district,

And shall be entitled to one representative.

The county of Lapointe shall constitute the twenty-fourth representative district,

And shall be entitled to one representative.

The county of Portage shall constitute the twenty-fifth representative district,

And shall be entitled to one representative.

The counties of Brown, Calumet, Winnebago, Fond du Lac, Manitouwoc and Shebeygan shall constitute the first senatorial district,

And shall be entitled to one senator.

The counties of Marquette, Columbia, Portage, Sauk, Richland, Crawford, Chippewa, St. Croix and Lapointe, shall constitute the second senatorial district,

And shall be entitled to one senator.

The county of Washington shall constitute the third senatorial district,

And shall be entitled to one senator.

The county of Dodge shall constitute the fourth senatorial district,

And shall be entitled to one senator.

The county of Milwaukee shall constitute the fifth senatorial disi trict,

And shall be entitled to one senator.

The county of Waukesha shall be onstitute the fifth senatorial district,

And shall be entitled to two senators.

The county of Jefferson shall constitute the seventh senatorial district,

And shall be entitled to one senator.

The county of Dane shall constitute the eighth senatorial district,

And shall be entitled to one senator.

The county of Racine shall constitute the ninth senatorial district,

And shall be entitled to two senators.

The county of Walworth shall constitute the tenth senatorial district,

And shall be entitled to two senators.

The county of Rock shall constitute the eleventh senatorial district,

And shall be entitled to two senators.

The county of Green shall constitute the twelfth senatorial district,

And shall be entitled to one senator.

The county of Iowa shall constitute the thirteenth senatorial district,

And shall be entitled to two senators:

Provided, That whenever the said county of Iowa shall be divided, and two new counties shall be organized out of the same, then the northern of said two new counties shall be entitled to one senator, and the southern of said two new counties, shall be entitled to one new senator.

The county of Grant shall constitute the fourteenth senatorial district,

And shall be entitled to two senators.

A. AYATT SMITH, Cn'n.

Moses M. Strong moved that the same be laid upon the table until article No. 10 shall be taken up.

Which was agreed to.

Wm. R. Smith, from the select committee to whom was referred the petition of Matthias J. Bovee, asking to contest the seat of Mr. Burchard, made the following report, to wit:

The committee to whom was referred the petition of Matthias J. Bovee, contesting the seat of Charles Burchard, as a delegate to this convention from the county of Waukesha,

REPORT

That they have duly considered the matter referred to them; the evidence submitted to them, taken under the rules established by the committee, and have heard the parties by themselves and counsel, so as to enable them to form a conclusion on the whole case as it appears before the committee.

The contestant alleges that fraud has been practiced at the late election at the town of Muquanego, in Waukesha county, in some manner, and by some person, neither of which is specified or designated by the contestant. He further alleges that he received more votes at such election than have been credited to him on the election returns. He further alleges that the election is void and ought to be set aside because the poll lists were not returned according to law.

The evidence which your committee have had submitted to them, them, consists in thirteen depositions taken on the part of the contestant; foru depositios taken on the part of the sitting member, which are of the three inspectors, and clerk of the election at the town of Muquanego, the poll lists and certificates of election returns as certified by the board of superviors and town clerk of the town of Muquanego: Also, the certificate of the county clerk of Waukesha county, in relation to the absence of the returns of poll lists of several election districts in Waukesha county.

From the above evidence, it appears that at the late election at Muquanego district, Charles Burchard received ninety votes, and Matthias J. Bovee received thirty-six votes as delegate to this convention.

Of the thirteen depositions produced on the part of the contestant, six persons testified that they each voted tickets from which the name of Matthias J. Bovee was erased. Two testified that they each voted tickets from which the name of Matthias J. Bovee was not erased.—

One testified that he voted a whig ticket with the name of Matthias J. Bovee upon it. One testified that he voted a written ticket, containing the name of M. J. Bovee, and three did not testify anything whatsoever about their votes.

Five persons summoned before the justice who took the depositions on the part of the contestant, refused to be sworn. Two of said persons on a subsequent day gave their depositions on the part of the sitting member, of which depositions, the contestant had notice, at the time they were taken.

Such, then is the case as presented by the evidence before the committee.

With regard to the allegation of fraud in some manner and by some person at the Muquanegoe lection, no evidence whatsoever has been exhibited by the contestant in support of such allegation, and in the total absence of such evidence the committee deem it wholly unnecessary to defend the character of the officers of the said election, when even the insinuations against them as made by the contestant, are considered by the committee as without foundation.

In relation to the contestant having received more votes at the said election, than has been credited to him on the election returns, the committee are at a loss to perceive how such an idea could be entertained, on an examination of the evidence before them. He did not receive as many votes as the other candidates on the same ticket. Six of his own witnesses swear that they voted tickets from which his name was erased. He has received a credit on the poll lists for thirty-six votes, and it does not appear in any part of the testimony that those who swore that they voted for him, were not included in the thirty-six.

As to the point raised by the contestant that the election is void because the poll lists were not returned according to law, the committee have had the poll lists returned by the proper officers to them, that is, certified copies of them, and sufficient evidence appears that the election was legally and properly conducted, and the returns properly certified. The committee have not considered the question thus raised, as either within their province and duties, or requiring a report to be made thereon.

The committee are therefore of opinion that the contestant Matthias J. Bovee has failed in producing evidence to support the prayer of his petition, and they submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

W. R. SMITH, Chairman.

The said report was accepted, and the committee discharged from the further consideration of the subject.

Wm. R. Smith introduced the following resolution, which was read, to wit:

"Resolved, That the Rev. Mr. McHugh chaplain to this convention, be requested to furnish a copy of the discourse delivered by him before the convention, on Sunday last, and that the same be printed for the use of the convention."

Mr. Reed introduced the following resolution, to wit:

"Resolved, That at the election, at which the votes of the electors shall be taken for the adoption, or rejection of the constitution, the following article, to wit:

ARTICLE.

Section 1. The legislature shall have no power to pass any act granting any special charter for banking purposes.

Sec. 2. No corporation within this state, nor any agency of any banking institution or other corporation, without this state, shall issue within this state, any kind of paper to circulate as money.

Sec. 3. The legislature shall have power, by a vote of two-thirds of the members of each house, to pass general laws, under which associations may be formed, for banking purposes.

Sec. 4. Every such law shall provide,

1st. That the individual property of the stockholders shall be liable for the dues of any such association.

2nd. That every association shall deposite within the office of the Secretary of State, ample security for the redemption of its circulating notes, and other liabilities to the amount of the stock of such association, either in stocks of the United States, or of some paying state of the United States.

3rd. That such stocks, when so deposited, shall be appraised at their market value in the city of New York, and shall be re-appraised upon the same basis annually thereafter, during the continuance of such association.

4th. That no such association shall issue any notes or paper to circulate as money, that are not registered and countersigned by the Secretary of State; and no such association shall receive or put in circulation, notes or paper of an amount exceeding the appraised value of its stocks deposited on security; and if any such stock so depos-

ited, shall become depreciated, such association shall be required to make a further deposite of stocks to the amount of such depreciation.

5th. That all notes or paper issued by such association to circulate as money, shall be made payable in gold or silver coin, on demand at the place issued.

6th. That if any such association shall fail to redeem its circulating notes or other dues on demand, the securities deposited shall be sold, and the proceeds of the sale applied first to the redemption of its circulating notes, second to the payment prorata of other liabilities of the association.

7th. The legislature shall have no power to pass any law, sanctioning in any manner, directly or indirectly the suspension of specie payments by any association issuing bank notes of any description.

Sec. 5. Every such law shall be published at least six months next preceding any general election, and be submitted to the votes of the electors at such election, and if approved by a majority of the electors voting upon that subject, shall take effect and not otherwise," shall be separately submitted to the electors of this State for adoption or rejection, in form following, to wit:

A separate ballot may be given by every person having the right to vote for the constitution, to be deposited in a separate box.

Upon the ballots given for the adoption of the said separate article, shall be written or printed, or partly written and partly printed, the words

"General Banking Laws? Yes!"

And upon the ballots given against the adoption of the said separate article, in like manner the words,

"General Banking Laws? No!"

And on such ballots be written or printed, or partly written and partly printed, the words

"Banking,"

In such manner that such words shall appear on the outside of such ballot when folded.

If, at the said election a majority of all the votes given for and against the said article shall contain the words

"General Banking Laws? Yes!"

Then the said separate article shall be article of this constitution, in full force and effect, any thing contained in the constitution to the contrary notwithstanding.

Moses M. Strong moved that the consideration of the said resolution be indefinitely postponed.

And pending the question thereon,

The morning hour haying expired,

Moses M. Strong moved that the rules be suspended for the consideration of the said resolution.

And the question having been put,

It was decided in the negative.

Two-thirds not having voted therefor.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, Baker, Hiram Barber, Bennett, Berry, Brace, Hiram Brown, Burnside, Warren Chase, Crawford, Cruson, Dickinson, Drake, Dunning, Elmore, Giddings, Goodrich, Goosdell, Green, Hill, Hammond, Harkin, Hicks, Holcomb, Inman, James, Janssen, Jenkins, Lovell, Madden, Meeker, Parkinson, Parsons, Phelps, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Wakely, White, Whiteside, Willard and Wilson—50.

Those who voted in the negative, were

Messrs. Baird, Beall, Bell, Bowker, Burchard, Burt, Carter, Clothier, Cooper, Coxe, Dennis, Doty, Edgerton, Ellis, French, Gibson, Goodell, Granger, George B. Hall, James H. Hall, Hesk, Heubschmann, Hunkins, N. F. Hyer, Judd, Kellogg, Asa Kinney, Joseph Kinney, MaGone, Moore, O'Connor, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, Steele and Tweedy—40.

No. 24, "Article on the powers, duties and restrictions of the legislature,"

Was then taken up,

And the question being on concurring in the amendment of the committee thereto, which was to strike out the 10th section thereof,

Warren Chase called for the previous question.

Which was seconded,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on concurring in the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, J. Allen Barber, Beall, Bennett, Berry, Brace, Clothier, Cooper, Coxe, Crawford, Cruson, Dickinson, Dunning, French, Granger, Green, James H. Hall, Harkin, Hicks, Heubschmann, Hunkins, James, Asa Kinney, Joseph Kinney, Lovell, Madden, Parks, Parsons, Phelps, Randall, Rankin, Rogan, Sewall Smith, Mashall M. Strong, Moses M. Strong, Wakely, White, Whiteside and Willard—41.

Those who voted in the negative were,

Messrs. Agry, Baird, Bell, Bevans, Bowker, Hiram Brown, Burchard, Burnside, Burt, Carter, Warren Chase, Clark, Combs, Dennis, Doty, Drake, Edgerton, Ellis, Elmore, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Geo. B. Hall, Hammond, Hayes, Hesk, Hill, Holcomb, Nathaniel F. Hyer, Inman, Janssen, Jenkins, Judd, Magone, Meeker, O'Connor, Parkinson, Mr President, Reed, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Toland, Tweedy and Wilson—53.

Mr. Kellogg was excused from voting, he not having been in attendance during the discussion on the above question.

The said article was then ordered to be engrossed for its third reading.

No. 10. "Article on constitution and organization of the legislature,"

Was then taken up,

And the question being on concurring in the amendments of the committee of the whole thereto,

And a division of the question was called for,

The question being on concurring in the first amendment.

Moses M. Strong moved to amend the same by striking out "60" and inserting in lieu thereof "62."

And pending the question on said amendment,

On motion of Asa Kinney,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No. 10. was taken up.

And the question having been put on adopting the amendment of Moses M. Strong,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Hiram Brown, Burnside, Carter, Coxe, Crawford, Cruson, Dickinson, Dunning, Ellis, Elmore, French, Fuller, Granger, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Heubschmann, Hunkins, Inman, Janssen, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, O'Connor, Parkinson, Parsons, Phelps, Pierce, Mr. President, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Wakeley, White, Whiteside, Willard and Wilson—62.

Those who voted in the negative, were

Messrs. Baird, Bell, Burchard, Warren Chase, Clark, Clothier, Dennis, Doty, Drake, Edgerton, Gibson, Giddings, Goodell, Goodrich, Hazen, Holcomb, James, Jenkins, Judd, Magone, Geo. B. Smith and Soper—22.

The amendment as amended was then adopted.

The second amendment of the committee of the whole was then adopted.

And the question being on the third amendment of the committee of the whole, which was to strike out the 4th section,

Moses M. Strong moved to amend the same by adding, "and insert the article reported by the select committee to whom it was referred to make an apportionment of representation for the senate and house of representatives," when

Mr. Magone moved that the further consideration of the said article be postponed until to-morrow, and that the said amendment be printed.

A division of the question was called for,

And the question having been first put on postponing,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hiram Barber, Beall, Bell, Boyd, Charles E. Brown, Hiram Brown, Burchard, Carter, Warren Chase, Clark, Clothier, Cooper, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Goodell, Goodrich, Granger, Hazen, Hill, Heubschmann, Hunkins, N. F. Hyer, Janssen, Judd, Asa Kinney, Magone, Moore, O'Connor, Parks, Phelps, Prentiss, Mr. President, Randall, Rankin, Reed, George B. Smith, Soper, Toland, Tweedy and Wilson—49.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, J. Allen Barber, Bennett, Berry, Bevans, Bowker, Brace, Burnside, Coxe, Cruson, Dickinson, Ellis, Goodsell, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Holcomb, Inman, James, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Parkinson, Parsons, Pierce, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, William R. Smith, Marshall M. Strong, Moses M. Strong, Wakeley, White, Whiteside and Willard—49.

Mr. Dennis moved that the convention do now adjourn.

Which was disagreed to.

Mr. Magone moved that the said article be committed to the committee of the whole, and ordered to be printed.

Moses M. Strong moved that the further consideration of said article be postponed until to-morrow morning at 10 o'clock, and that said amendment and a tabular statement on the same subject be printed.

Which was agreed to,

On motion of Mr. Hunkins,

The convention adjourned.

TUESDAY, November 17, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Hiram Brown asked that leave of absence be granted to Mr. Phelps.

Leave was granted.

Mr. Hesk presented the petition of citizens of Waukesha county, asking that the homestead of citizens be exempted from forced sale.

Which, on his motion,

Was referred to the committee on miscellaneous provisions.

Marshall M. Strong, from the committee on engrossment, reported, No. 24. "Article on the powers, duties and restrictions of the legislature," as correctly engrossed.

Mr. Moore introduced the following resolution, which was read to wit:

"Resolved, that this convention hold evening sessions as follows: on Monday, Wednesday and Friday evenings, commencing at 7 o'clock,"

The resolution introduced by Wm. R. Smith on yesterday, relative to publishing the discourse of the Rev. Mr. McHugh, was taken up, when

Mr. Hunkins moved to amend the same by inserting the words "1000 copies".

Which amendment was accepted by Wm. R. Smith.

The said resolution was then adopted.

The resolution introduced by Mr. Reed on yesterday,

Was then taken up,

And the pending question thereon being on its indefinite postponement.

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Bell, Bennett, Berry, Bevans, Brace, Charles E. Brown, Hiram Brown, Burnside, Warren Chase, Clark, Coxe, Crawford, Cruson, Dennis, Dickinson, Dunning, Fuller, Giddings, Goodell, Goodrich, Goodsell, Granger, Green, Geo. B. Hall, Hammond, Harkin, Hayes, Hicks,

Holcomb, Heubschmann, Inman, James, Janssen, Jenkins, Kellogg, Kern, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Patch, Parkinson, Parsons, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Wakely, White, Whiteside, Willard and Wilson—65.

Those who voted in the negative, were

Messrs. Baird, Beall, Boyd, Burchard, Carter, Clothier, Cooper, Doty, Drake, Edgerton, Ellis, Elmore, French, Gibson, James H. Hall, Hesk, Hill, Hunkins, Judd, Asa Kinney, Moore, O'Connor, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, and Tweedy—30.

No. 24. "Article on the powers, duties and restrictions of the legislature,"

Was then read the third time,

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Hiram Barber, Beall, Bell, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Warren Chase, Clark, Combs, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Green, G. B. Hall, J. H. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Inman, James, Janssen, Jenkins, Judd, Kellogg, Kern, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Meeker, Moore, Patch, Parkinson, Parsons, Prentiss, Mr. President, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Wakely, White, Whiteside, Willard and Wilson—83.

Those who voted in the negative were,

Messrs. J. A. Barber, Clothier, Cooper, Coxe, Crawford, Ellis, Elmore, French, Granger, Hunkins, Magone, O'Connor, Parks and Randall—14.

So the article passed, and the title thereof was agreed to.

No. 10. "Article on constitution and organization of the legislature,"

Was taken up,

And the question being on concurring in the 3d amendment of the committee of the whole thereto, which was to strike out the 4th section thereof,

Moses M. Strong moved to amend the amendment by inserting the article reported by the select committee relative to an apportionment of senators and representatives.

A. Hyatt Smith moved that the said article be committed to a committee of nine, with instructions to report a representation on the plan of the law of 1842, on a basis of 21 for senate and 63 for house,

And also on a basis of 22 for senate and 66 for house.

Mr. Judd moved to amend the motion by adding as follows:

"Provided, that each organized county within the territory, except the counties of Richland and Chippewa, shall be entitled to one member in the house of representatives."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Warren Chase, Clark, Crawford, Dennis, Doty, Drake, Edgerton, Gibson, Giddings, Goodell, Goodrich, Granger, Hayes, Hazen, Hesk, Hill, Heubschmann, N. F. Hyer, Janssen, Judd, Kern, Asa Kinney, Magone, Meeker, Moore, O'Connor, Patch, Parks, Mr. President, Randall, Rankin, Reed, Seaver, Geo. B. Smith, Wm. R. Smith, Soper, Toland and Wilson—49.

Those who voted in the negative, were

Messrs. Atwood, J. Allen Barber, Bennett, Berry, Bevans, Brace, Burnside, Carter, Clothier, Cooper, Coxe, Cruson, Dickinson, Dunning, Ellis, Elmore, French, Fuller, Goodsell, George B. Hall, James H. Hall, Hammond, Harkin, Hicks, Holcomb, Hunkins, Inman, James, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Parkinson, Parsons, Pierce, Rogan, A. Hyatt Smith, Sewell Smith, Marshall M. Strong, Moses M. Strong, Tweedy, Wakeley, White, Whiteside and Willard—46.

Mr. Elmore moved to amend the motion by striking out all between the words "nine," and "provided,"

Which was agreed to.

On motion of Mr. Magone,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No. 10.

Was then taken up, when

Moses M. Strong moved to amend by striking out all after the words a "committee of", and insert the following words, to wit:

"Eleven, with instructions to report an apportionment of senators and representatives among the several counties, based upon population, so that no district shall have a senator or representative upon a population of less than three fifths of common ratio."

And moved a call of the convention,

Which was seconded.

And Messrs. Agry, John M. Babcock, Bevans, Brace, Charles E. Brown, Burt, Carter, Clark, Combs, Dunning, Fuller, Hunkins, Mills, Patch, Prentiss, Randall, Geo. B. Smith and John Y. Smith, reported absent.

On motion,

Messrs. Burt, Combs and Mills, were excused from their attendance on the convention.

The sergeant-at-arms not being in attendance,

Mr. Ryan moved that the rules be suspended for the consideration of the resolution relative to dispensing with the services of sergeant-at-arms, which had been laid on the table.

Which was agreed to.

Mr. Clothier moved that the said resolution be laid upon the table.

Which was agreed to.

And a division having been called for,

There were 37 in the affirmative, and 15 in the negative.

Moses M. Strong moved that all further proceeding under the call be dispensed with, all the absentees being in attendance except John Y. Smith and Combs.

Which was disagreed to.

And a division having been called for,

There were 26 in the affirmative, and 27 in the negative.

The sergeant-at-arms having reported that he was unable to find Messrs. Combs and John Y. Smith.

On motion of Warren Chase,

All further proceedings under the call were dispensed with.

Mr. Magone moved the previous question,

Which was not seconded.

The question was then put on the amendment of Moses M. Strong to the motion of A. Hyatt Smith,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, J. Allen Barber, Bennett, Berry, Bevans, Brace, Charles E. Brown, Burnside, Carter, Cooper, Coxe, Cruson, Dickinson, Dunning, Fuller, Goodsell, George B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hicks, Heubschmann, Hunkins, Inman, James, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Mannahan, Parkinson, Parsons, Pierce, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Steele, Marshall M. Strong, Moses M. Strong, Wakely, White, Whiteside and Willard—48.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Hiram Brown, Burchard, Warren Chase, Clark, Clothier, Crawford, Dennis, Doty, Drake, Edgerton, Ellis, Elmore, French, Gibson, Giddings, Goodell, Goodrich, Granger, Green, Hazen, Hesk, Hill, Holcomb, N. F. Hyer, Janssen, Judd, Kern, Asa Kinney, Magone, Meeker, Moore, O'Connor, Patch, Parks, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, George B. Smith Wm. R. Smith, Soper, Toland, Tweedy and Wilson—54.

Mr. Ryan moved that the motion of A. Hyatt Smith be laid upon the table,

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baker, J. Allen Barber, Bennett, Berry, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Burnside, Carter, Cooper, Coxe, Cruson, Dickinson, Dunning, Fuller, Goodsell, Granger, George B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Heubschmann, Hunkins, Inman, James, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Mannahan, Meeker, Patch, Parkinson, Parsons, Pierce, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Tweedy, Wakeley, White, Whiteside and Willard—55.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, Beall, Bell, Hiram Brown, Burchard, Warren Chase, Clark, Clothier, Crawford, Dennis, Doty, Drake, Edgerton, Ellis, Elmore, Gibson, Giddings, Goodell, Goodrich, Green, Hazen, Hill, Holcomb, N. F. Hyer, Janssen, Judd, Kern, Asa Kinney, Magone, O'Connor, Parks, Pren-

tiss, Mr. President, Randall, Rankin, Reed, Seaver, George B. Smith Wm. R. Smith, Soper, Steele, Toland and Wilson—45.

Moses M. Strong, by leave, withdrew his amendment to the amendment of the committee of the whole.

Mr. Elmore moved that the said bill and amendments be recommitted to the committee of the whole.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Agry, John M. Babcock, Baird, Hiram Barber, J. A. Barber, Beall, Bell, Bevans, Charles E. Brown, Hiram Brown, Burchard, Carter, Warren Chase, Clark, Clothier, Cooper, Crawford, Dennis, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, Fuller, Gibson, Giddings, Goodell, Goodrich, Granger, Green, George B. Hall, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, Janssen, Judd, Kern, Asa Kinney, Joseph Kinney, Magone, O'Connor, Parkinson, Parks, Pierce, Prentiss, Randall, Rankin, Reed, Rogan, Seaver, A. Hyatt Smith, Geo. B. Smith, William R. Smith, Soper, Toland and Tweedy—62.

Those who voted in the negative, were

Messrs. Baker, Bennett, Berry, Bowker, Boyd, Brace, Burnside, Coxe, Cruson, Dickinson, French, Goodsell, James H. Hall, Hammond, Harkin, Hays, Hesk, Jenkins, Kellogg, Lovell, Madden, Manahan, Moore, Patch, Parsons, Ryan, Sewall Smith, John Y. Smith, Steele, Marshall M. Strong, Moses M. Strong, Wakely, White, Whiteside and Willard—35.

The convention then resolved itself into committee of the whole, for the consideration of the said article and amendments.

Hiram Barber in the chair.

And after sometime spent therein, the committee rose, and by their chairman, reported the same back, with a recommendation that the article be referred to a select committee of eleven.

The said report was then adopted.

On motion of Mr. Elmore,

The convention adjourned.

WEDNESDAY, November 18, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

The president announced the appointment of the following committee,

To which was referred,

Article No. 10, to wit:

Messrs. A. Hyatt Smith, Dennis, Madden, Bell, Hicks, Carter, Parks, Nathaniel F. Hyer, Gibson, Goodrich and Tweedy.

Warren Chase asked that leave of absence be granted to Mr. Hazen.

Leave was granted.

The president presented the report of the clerk of the district court of the county of Dane,

Which was read and referred to the select committee on that subject.

Petitions were presented and referred as follows:

By Mr. Dennis,

A petition of citizens of Dodge county, asking that the homestead of citizens be exempted from forced sale.

By Mr. Burnside,

A petition of citizens of Iowa county, on the same subject.

By Mr. Huebschmann,

A petition of citizens of Milwaukee county, and

Also a petition of citizens of Washington county, on the ssme subject.

Which were severa'ly referred to the committee on miscel'aneous provisions.

Mr. Soper introduced the following resolution, which was read, to wit:

"Resolved, That the member apportioned by the select committee of nine to the county of Grant, and so suddenly flushed from her beautiful prairies by her own delegation, be permitted to settle down and remain in the county of Manitouwoc."

The resolution introduced by Mr. Hicks on the 14th inst., relative to limiting the quantity of land which any individual may hereafter possess, in this State, &c.,

Was taken up; when

Mr. Judd moved that the same be laid upon the table.

Which was agreed to.

The resolution introduced on yesterday by Mr. Moore, relative to holding an evening session of this convention, on certain evenings of each week,

Was taken up and adopted.

The convention then resolved itself into committee of the whole for the consideration of

The report of the select committee on articles Nos. 5, 6 and 7, and sundry resolutions,

Mr. Judd in the chair.

And after some time spent therein,

The committee rose and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Doty,

The convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

The convention again resolved itself into committee of the whole for the consideration of

The report of the select committee on

Articles Nos. 5, 6 and 7, and sundry resolutions.

Mr. Judd in the chair.

And after some time spent therein,

The committee rose, and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Ryan,

The convention took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The convention again resolved itself into committee of the whole for the consideration of

The report of the select committee on

Articles Nos. 5, 6, and 7, and sundry resolutions.

Mr. Judd in the chair.

And after some time spent therein,

The committee rose and reported the articles back

With amendments.

Mr. Rankin asked that leave of absence be granted to himself.

Leave was granted.

On motion of Mr. Heubschmann,

The convention adjourned..

THURSDAY, NOV. 12, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Mills presented the petition of citizens asking that persons who observe the seventh day as the Sabbath, be allowed certain privileges.

Which on his motion,

Was referred to the same committee of the whole which shall have under charge the bill of rights.

Mr. Baker gave notice that he would on some future day, move a reconsideration of the vote by which article No. 1, on banks and banking was adopted.

Mr. Bevans, to whom was referred the "Bill of rights," reported the same back with amendments.

The said report was accepted.

Mr. Ryan moved that the secretary make a fair copy of the article on a bill of rights.

Which was agreed to.

Mr. Bevans, from the same committee, made the following report, to wit:

"The committee to whom was referred resolutions Nos. 4, and 5, requiring the committee to report a provision prohibiting members of this convention and others from holding office, beg leave to report the following according to instructions:

Until the expiration of two years after the adoption of this constitution, no delegate to this convention shall hold any office of trust or profit created by this constitution, nor shall any such delegate, or any or either of the present officers of the Territory elected or appointed by the President of the United States, or by the Governor of this Territory, be elected to the Senate or House of Representatives of the United States, until after the expiration of the said term of two years."

A. Hyatt Smith, from the minority of the committee to which wa referred the bill of rights, reported

No. 29. "Article on exclusion from office."

The minority of the committee to whom the two resolutions were referred on the subject of exclusion from office, report the following sections in obedience to the instructions contained in said resolutions, report the following secsions:

Sec. . No delegate to this convention shall hold any office of trust or profit created by this constitution until two years after its adoption by the people.

Sec. . No delegate to this convention nor any person holding an office under the territorial government, whether by election or appointment, shall be elected to the Senate or House of Representatives of the United States, until two years after the adoption of this constitution by the people.

All which is respectfully submitted.

A. HYATT SMITH.
L. BEVANS.

Mr. Steele, from the committee on miscellaneous provisions, made the following report, to wit:

The committee on miscellaneous provisions to whom was referred the petition of Z. Eddy and three others, report that the matter therein mentioned has been before the committee for their consideration some time previous hereto, and that they have reported in accordance with the request of the petitioners."

Mr. James introduced the following resolution, which was read, to wit:

"Resolved, That it is not necessary for this convention to pass any resolution disfranchising its members from holding offices for the next two years, as the people of this Territory will be sure to attend to that matter themselves."

The resolution introduced on yesterday, by Mr. Soper, relative to an apportionment of members of the House of Representatives,

Was taken up; when

Mr. Soper, by leave, withdrew the same.

The report of the committee of the whole on

Articles Nos. 5, 6 and 7, and sundry resolutions,

Was then taken up.

And the question being on concurring in the amendments of the committee of the whole thereto,

And a division of the question having been called for,

Mr. Judd moved to amend the first amendment of the committee of the whole,

Which was to strike out the first section of the article on taxation, finance and public debt,

By inserting as follows, to wit:

"Sec. 1. All taxes to be levied in this state at any time, shall be as nearly equal as may be."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, Baird, Baker, J. Allen Barber, Beall, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Crawford, Cruson, Dennis, Drake, Dunning, Edgerton, Elmore, Fuller, Gibson, Giddings, Goodell, Granger, Green, Hesk. Hicks, Hill, Holcomb, N. F. Hyer, Janssen, Judd, Kellogg, Manahan, Meeker, Patch, Randall, Rogan, Seaver, GeorgeB. Smith, Sewall Smith, William R. Smith, Soper, Steele, Moses M. Strong, Toland, Vliet and White—47.

Those who voted in the negative were,

Messrs. Hiram Barber, Bell, Bennett, Berry, Bevans, Bowker, Carter, Warren Chase, Clothier, Cooper, Coxe, Dickinson, Doty, Ellis, French, Goodsell, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Heubschmann, Hunkins, James, Jenkins, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Mills, Moore, O'Connor, Parkinson, Parks, Parsons, Prentiss, Mr. President, Ryan, A. Hyatt Smith, Marshall M. Strong, Tweedy, Wakeley, Whiteside, Willard and Wilson—46.

The question was then put on adopting the amendment as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baker, J. A. Barber, Bennett, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Warren Chase, Clark, Clothier. Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Elmore, Gibson, Giddings, Goodell, Graham, Granger, Green, Harkin, Hayes, Hesk, Hicks, Hill, Heubschmann, N. F. Hyer, Janssen, Jenkins, Judd, Kellogg, Lovell, Magone, Manahan, O'Connor, Patch, Prentiss, Mr. President, Randall, Rogan, George B. Smith, Soper, Marshall M. Strong, Toland, Vliet, Wakeley, White, Whiteside and Wilson—56.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, Beall, Bell, Berry, Bevans, Bowker, Carter, Coxe, Dunning, French, Fuller, Goodsell, Hackett, George B. Hall, James H. Hall, Hammond, Holcomb, Hunkins, Inman, James, Asa Kinney, Joseph Kinney, Madden, Meeker, Mills, Moore, Parkinson, Parks, Parsons, Pierce, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Steele, Moses M. Strong, Tweedy, Vineyard and Willard—43.

Mr. Mills moved to amend the second amendment of the committee of the whole, as follows, to wit:

Insert as section second,

"All property belonging to this State, or to the United States; all public school lands, and all property belonging to any school or institution of learning, supported in whole or in part by any public school fund or tax; and all public burying grounds, shall be free from taxation."

And the question having been put,

It was decided in the negative.

The second amendment of the committee of the whole was then concurred in.

And the question having been put on concurring in the third amendment of the committee of the whole,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Baker, Hiram Barber, J. Allen Barber, Bell, Bennett, Bowker, Boyd, Brace, Burchard, Burnside, Carter, Warren Chase, Clark, Clothier, Cooper, Cruson, Dennis, Drake, Edgerton, French, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Geo. B. Hall, J. H. Hall, Hicks, Hill, Heubschmann, N. F. Hyer, Inman, Judd, Asa Kinney, Joseph Kinney, Lovell, Magone, Meeker, Mills, Moore, O'Connor, Patch, Prentiss, Mr. President, Randall, Seaver, Marshall M. Strong, Vliet, Wakeley and White—53.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Berry, Bevans, Charles E. Brown, Coxe, Doty, Dunning, Ellis, Fuller, Goodsell, Hackett, Hammond, Harkin, Hayes, Hesk, Holcomb, Hunkins, James, Janssen, Jenkins, Kellogg, Madden, Manahan, Parkinson, Parks, Parsons Pierce, Reed, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewell Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Tweedy, Vineyard, Willard and Wilson—43.

Mr. Ryan moved a call of the house;

Which was ordered.

And Messrs. Burt, Combs, Dickinson, Elmore, Gillmore, Kern and John Y. Smith reported absent.

On motion,

Messrs. Combs, Burt and Kern were excused from their attendance.

Mr. Magone moved that all further proceedings under the call be dispensed with.

Which was disagreed to,

And a division having been called for,

There were 28 in the affirmative,

Negative not counted.

Mr. Judd moved that all further proceedings under the call be dispensed with;

Several of the absentees having appeared in their seats.

Which was agreed to.

Mr. Magone called for the previous question;

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Baker, J. A. Barber, Bennett, Bevans, Boyd, Brace, Charles E. Brown, Carter, Warren Chase, Clark, Clothier, Coxe, Crawford, Cruson, Dennis, Dunning, Edgerton, Ellis, Elmore, Gibson, Giddings, Goodell, Goodsell, Graham, Granger, Green, Hackett, G. B. Hall, J. H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, James, Janssen, Asa Kinney, Joseph Kinney, Lovell, Madden, Magonè, Manahan, Moore, Patch, Parsons, Pierce, Mr. President, Reed, Ryan, A. Hyatt Smith, Sewall Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Vliet, Wakely, Whiteside, Willard and Wilson—67.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Hiram Barber, Beall, Bell, Berry, Bowker, Burchard, Burnside, Dickinson, Doty, Drake, French,

Fuller, Goodrich, Hill, Jenkins, Judd, Kellogg, Meeker, Mills, O'Connor, Parkinson, Parks, Prentiss, Randall, Rogan, Seaver, Geo. B. Smith, Wm. R. Smith, Steele, Toland, Vineyard and White—34.

The question was then put on concurring in the fourth amendment of the committee of the whole,

Which was to strike out the article on corporations other than municipal.

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Boyd, Brace, Charles E. Brown, Burchard, Carter, Warren Chase, Clark, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dunning, Edgerton, Ellis, Gibson, Giddings, Goodell, Graham, Granger, Green, Hackett, James H. Hall, Hayes, Hesk, Heubschmannn, Hunkins, N. F. Hyer, Inman, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Magone, Moore, O'Connor, Patch, Parsons, Mr. President, Reed, Seaver, Soper, Marshall M. Strong, Toland, Wakely and Wilson—53.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Bell, Bennett, Berry, Bevans, Bowker, Burnside, Dickinson, Doty, Drake, Elmore, French, Fuller, Goodrich, Goodsell, Geo. B. Hall, Hammond, Harkin, Hicks, Hill, Holcomb, James, Jenkins, Madden, Manahan, Meeker, Mills, Parkinson, Parks, Pierce, Prentiss, Randall, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Steele, Moses M. Strong, Tweedy, Vineyard, Vliet, White, Whiteside and Willard—49.

The question was then put on concurring in the fifth amendment of the committee of the whole,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Carter, Warren Chase, Clark, Clothier, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, French, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Hunkins, N. F. Hyer, Inman, James, Janssen Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Mills, Moore, Patch, Parkinson, Parks, Parsons, Pierce, Prentiss, Mr. President, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall

M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, Vliet, Wakeley, White, Whiteside, Willard and Wilson—92.

Those who voted in the negative, were

Messrs. Agry, Baird, Coxe, Gibson, Giddings, Heubschmann, O'-Connor and Rogan—8.

The question was then put on concurring in the sixth amendment of the committee of the whole,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Hiram Barer, J. Allen Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Chas. E. Brown, Burchard, Burnside, Carter, Warren Chase, Clark, Cooper, Coxe, Crawford, Dennis, Dickinson, Drake, Dunning, French, Gibson, Giddings, Goodell, Goodrich, Goodsell, Granger, Green, James H. Hall, Harkin, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Manahan, Mills, Moore, O'Connor, Patch, Parkinson, Parsons, Prentiss, Mr. President, Randall, Seaver, Geo. B. Smith, Sewell Smith, John Y. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Vliet, Wakeley, White, Whiteside, Willard and Wilson—73.

Those who voted in the negative, were

Messrs. Bevans, Clothier, Cruson, Doty, Edgerton, Ellis, Elmore, Graham, Hackett, George B. Hall, Hammond, Hicks, Hunkins, Inman, Jenkins, Meeker, Parks, Pierce, Reed, Rogan, Ryan, A. Hyatt Smith, Wm. R. Smith, Toland, Tweedy and Vineyard—26.

By the unanimous consent of the convention, the 7th section of the article on taxation, finance, and public debt, was amended by inserting the word "levying," after the word "for," in the third line.

Mr. Tweedy moved that the vote ordering the main question to be put, be reconsidered.

The president decided that the motion was not in order, the previous question having been ordered, and this not being a privileged question.

Moses M. Strong appealed from the decision of the president, and moved that the rules be suspended to allow the question of order to be discussed.

And the question having been put,

It was decided in the negative, two-thirds not having voted thereon.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Baker, Bell, Bennett, Bevans, Boyd, Burchard, Clark, Clothier, Cooper, Cruson, Dickinson, Doty, Edgerton, Elmore, Goodrich,

Graham, Granger, Hackett, George B. Hall, Hammond, Harkin, Hill, Holcomb, Hunkins, N. F. Hyer, Inman, James, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Parkinson, Parks, Pierce, Prentiss, Mr. President, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Soper, Steele, Moses M. Strong, Tweedy, Vineyard, White, Whiteside and Wilson—56.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Hiram Barber, J. A. Barber, Beall, Berry, Bowker, Charles E. Brown, Burnside, Carter, Warren Chase, Coxe, Crawford, Dennis, Drake, Dunning, Ellis, French, Gibson, Giddings, Goodell, Green, James H. Hall, Hesk, Hicks, Heubschmann, Janssen, Magone, Manahan, Meeker, Moore, O'Connor, Patch, Parsons, Seaver, William R. Smith, Marshall M. Strong, Toland Vliet, Wakely and Willard—43.

And the question having been put,

"Shall the decision of the President stand as the judgment of the convention?"

It was decided in the affirmative.

And a division having been called for,

There were 51 in the affirmative, and 26 in the negative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, John M. Babcock, Baird, Baker, Beall, Bowker, Boyd, Charles E. Brown, Carter, Warren Chase, Clark, Cooper, Crawford, Dennis, Dickinson, Drake, Dunning, Ellis, French, Gibson, Goodell, Goodsell, Graham, Granger, Green, Hackett, James H. Hall, Hammond, Harkin, Hesk, Hill, Hunkins, James, Janssen, Judd, Kellogg, A. Kinney, J. Kinney, Lovell, Madden, Mannahan, Meeker, Mills, Moore, Patch, Parks, Parsons, Mr. President, Randall, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vliet, Wakely, Whiteside, Willard and Wilson—66.

Those who voted in the negative, were

Messrs. J. Allen Barber, Bell, Bennett, Berry, Bevans, Burchard, Burnside, Clothier, Coxe, Cruson, Doty, Edgerton, Elmore, Giddings, Goodrich, George B. Hall, Hicks, Holcomb, Heubschmann, N. F. Hyer, Jenkins, Magone, O'Connor, Parkinson, Pierce, Prentiss,

Reed, Rogan, Sewall Smith, John Y. Smith, Vineyard and White —32.

On motion of Marshall M. Strong,

The convention took a recess until 2 o'clock P. M.

Two O'Clock, P. M.

Mr. Dennis asked that leave of absence be granted to Mr. Clark.

Leave was granted.

Articles Nos. 26, 11, 3 and 17,

Were taken up, when

Mr. Holcomb moved that the further consideration of the said articles be postponed for one week.

Which was agreed to,

And a division having been called for,

There were 35 in the affirmative, and 21 in the negative.

Mr. Hicks, by leave, introduced the following resolution, which was read, to wit:

"Resolved, That the committee on revision and adjustment be instructed to substitute in place of number one on banks and banking, the following as an article of the constitution:

The legislature shall have no power to pass special charters for any kind of banking purposes whatever. But a majority of all the members elected to either house, with the ayes and noes recorded on the final passage, may pass general laws of association for such purposes.

The stockholders to be made individually responsible for their respective shares, of all liabilities of the association. The aggregate amount of issues to be limited, with ample security for its redemption. A registry of all debts to be required, and bill holders to have preference in payment in case of insolvency."

The convention then resolved itself into committee of the whole, for the consideration of,

No. 13. "Article on the organization and functions of the judiciary."

Wm. R. Smith in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported progress thereon, and asked leave to sit again.

Leave was granted.

Mr. Clothier asked that leave of absence be granted to himself,

Leave was granted.

On motion of Mr. Ryan,

The convention adjourned.

FRIDAY, November 20, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read and corrected.

Leave of absence was asked for and granted, as follows:

By Mr. Janssen for Mr. Kern.

By Mr. White for Mr. James.

The President presented the report of the clerk of the District Court of the county of Jefferson,

Which was read and referred to the select committee on that subject.

Moses M. Strong presented the account of Shields & Sneden, for crape furnished for the use of the convention.

Mr. Magone presented the account of Mr. Helfenstein, for plank furnished the superintendent to fit up the hall.

The said accounts were severally referred to the committee on expenses.

Mr. Ryan introduced the following resolution, which was read, to wit:

"Resolved, That the state of Wisconsin does hereby assent to the provisions of an act of Congress, entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the territory of Wiscon-

sin," approved the 6th day of August, 1846, and does hereby accept the grant thereby made in aid of the works therein mentioned, provided, and upon the express condition, that the said act of congress shall not be so construed as to impose any obligation on the part of this state, to expend any funds in the works mentioned in the said act of congress, other than the nett proceeds of the lands granted by the said act in aid of the said works, and shall not be so construed as to impose any liability on this state, in any contingency, to refund to the United States any of the proceeds of the said lands which shall have been expended by this state on the said works."

Mr. Judd gave notice that he would, on some future day, move to reconsider the vote by which the report of the select committee on articles Nos, 5, 6 and 7, and sundry resolutions, was ordered to be engrossed for its third reading.

The resolution introduced on yesterday by Mr. James, relative to disfranchising the members of this convention,

Was taken up, when

Mr. Ryan moved that the consideration of the same be postponed until the day of the next general election.

Mr. Hunkins moved that the same be laid upon the table.

Which was agreed to.

The resolution introduced by Mr. Hicks on yesterday, relative to banks,

Was taken up, when

Warren Chase moved that the consideration of the said resolution be indefinitely postponed.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Burnside, Carter, Chamberlain, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Hackett, G. B. Hall, J. H. Hall, Hammond, Harkin, Hesk, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Meeker, Mills, Patch, Parkinson, Parsons, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Wakeley, White, Whiteside, Willard and Wilson—76.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Burchard, Drake, Edgerton, French, Gibson, Giddings, Hicks, Hill, Moore, Parks, Randall, Seaver, Steele, Tweedy and Vliet—17.

Mr. Hicks moved that the vote on the passage of

No. 1. Article on banks and banking,

Be reconsidered, when

Moses M. Strong moved a call of the convention,

Which was ordered,

And Messrs. Agry, Beall, Burt, Combs, Coxe, Granger, Hayes, Pierce, Prentiss and Vineyard were reported absent.

The sergeant-at-arms was sent for the absentees.

On motion,

Messrs. Burt and Combs were excused from their attendance.

Pending the report of the sergeant-at-arms,

Mr. Elmore moved that the rules be suspended in order to present a petition,

Which was agreed to.

Mr. Elmore then presented a petition of Geo. Whitemore and 77 others, against any banking system.

The sergeant-at-arms reported the absentees all in attendance.

Moses M. Strong moved the previous question,

Which was seconded,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Atwood, Baird, Bennett, Berry, Bevans, Bowen, Brace, Burnside, Carter, Warren Chase, Coxe, Dickinson, Drake, Dunning, Elmore, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Geo. B. Hall, J. H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Geo. Hyer, Nathaniel F. Hyer, Inman, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, W. R. Smith, Sewell Smith, Soper, Mashall M. Strong, Moses M. Strong, Vineyard, Wakely, White, Whiteside and Willard—64.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bowker, Boyd, Charles E. Brown, Burchard, Chamberlain, Cooper, Crawford, Cruson, Dennis, Doty, Edgerton, Ellis, Fitzgerald, French, Hackett, Heubschmann, Hunkins, Janssen, Judd, Asa Kinney, Magone, Manahan, Mills, Moore, O'Connor, Parks, Prentiss, Mr. President, Randall, Reed, Seaver, Steele, Toland, Tweedy Vliet and Wilson—42.

The question then recurred on the motion of Mr. Hicks,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Baird, Baker, J. Allen Barber, Beall, Bell, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Warren Chase, Cooper, Coxe, Crawford, Cruson, Doty, Drake, Edgerton, Ellis, Fitzgerald, French, Fuller, Gibson, Giddings, Goodell, Graham, Hackett, James H. Hall, Hesk, Hicks, Hill, Heubschmann, Hunkins, N. F. Hyer, Janssen, Judd, Asa Kinney, MaGone, Meeker, Mills, Moore, O'Connor, Parks, Prentiss, Mr. President, Randall, Reed, Seaver, Steele, Toland, Tweedy, Vliet and Wilson—53.

Those who voted in the negative, were

Messrs. Agry, Atwood, John M. Babcock, Hiram Barber, Bennett, Berry, Bevans, Bowen, Brace, Burnside, Chamberlain, Dennis, Dickinson, Dunning, Elmore, Goodrich, Goosdell, Granger, Green, George B. Hall, Hammond, Harkin, Hayes, Holcomb, Geo. Hyer, Inman, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Manahan, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Wakely, White, Whiteside, and Willard—53.

Mr. Agry asked that leave of absence be granted him for one day,

Leave was granted.

Mr. Burchard moved that the convention take a recess until 2 o'clock P. M.

And the question having been put,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Bell, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Cruson, Dennis, Dickinson, Dunning, Elmore, Fitzgerald, Fuller, Goodrich, Granger, Green, Hackett, Harkin, Hayes, Holcomb, Inman, Jenkins, Lovell, Madden, Noggle, Patch, Parkinson, Phelps, Pierce, Mr. President, Rogan, Ryan, A. Hyatt Smith, Wm. R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, White, Willard and Wilson—49.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, J. Allen Barber, Bennett, Carter, Chamberlain, Warren Chase, Coxe, Crawford, Doty, Edgerton, Ellis,

French, Gibson, Giddings, Goodell, Goodsell, Graham, James H. Hall, Hammond, Hicks, Hi l, Heubschmann, George Hyer, N. F. Hyer, Janssen, Judd, Kellogg, Joseph Kinney, Magone, Mannahan, Mills, Moore, O'Connor, Parsons, Prentiss, Randall, Seaver, George B. Smith, Sewall Smith, John Y. Smith, Soper, Wakeley and Whiteside—44.

Two O'clock, P. M.

Moses M. Strong moved that leave of absence be granted himself,

Leave was granted.

The convention then resolved itself into committee of the whole, for the further consideration of,

No. 13. Article on the organization and functions of the judiciary."

Mr. Hackett in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported progress thereon, and asked leave to sit again.

Leave was granted.

Mr. Rogan asked that leave of absence be granted himself until Monday next,

Leave was granted.

Mr. Ryan moved that the convention take a recess until 7 o'clock P. M.

Which was disagreed to.

Mr. Magone moved that the convention adjourn until 9 o'clock tomorrow morning.

Which was agreed to,

So the convention adjourned.

SATURDAY, NOV. 21, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Magone introduced the following resolution, to wit:

"Resolved, That no member shall be permitted to speak, or occupy the floor more than fifteen minutes whilst the convention is in committee of the whole, nor more than once to the same question, until every other member desiring to speak shall have been heard."

Mr. Tweedy moved that the rules be suspended for the consideration of the said resolution,

Which was agreed to.

Warren Chase moved to amend the said resolution by striking out all after the word "resolved," and inserting as follows:

"That no member of the convention or of the committee of the whole, be permitted to speak more than fifteen minutes on any one motion, or more than once on the same question in the same stage of proceeding, without unanimous consent or a suspension of the rules. But such member may speak long enough to make fifteen minutes in the aggregate."

Which was agreed to.

And a division having been called for,

There were 43 in the affirmative,

Negative not counted.

Mr. Hicks moved that the resolution as amended be laid upon the table,

Which was disagreed to.

And a division having been called for,

There were 37 in the affirmative, and 45 in the negative.

Mr. Kellogg moved that the further consideration of the said resolution be indefinitely postponed,

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Burnside, Cooper, Coxe, Crawford, Cruson, Dickinson, Doty, Drake, Elmore, Fitzgerald, Goodrich, Goodsell, Graham, Green, James H. Hall, Hammond, Harkin, Hicks, Holcomb, Inman, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Patch, Parkinson, Mr.

President, Ryan, A. Hyatt Smith, George B. Smith, William R. Smith, Toland, Vineyard, Vliet, Wakeley and White—50.

Those who voted in the negative were,

Messrs. Baird, J. Allen Barber, Beall, Bennett, Burchard, Carter, Chamberlain, Warren Chase, Dennis, Ellis, French, Fuller, Gibson, Giddings, Goodell, Granger, Hackett, Hayes, Hesk, Hill, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Janssen, Asa Kinney, Magone, Manahan, Mills, Moore, Noggle, O'Connor, Parks, Parsons, Phelps, Pierce, Randall, Seaver, Sewall Smith, Soper, Steele, Marshall M. Strong, Tweedy, Willard and Wilson—45.

Mr. Crawford introduced the following resolution, which was read, to wit:

"Resolved, That the legislature shall provide by law for exemption from taxation and execution five hundred dollars worth of household furniture, mechanics' tools, farming utensils, professors books, or other property belonging to each family in this state."

Mr. Manahan introduced the following resolution, which was read, to wit:

"Resolved, That the legislature shall have power to prohibit by law from forced sale, a certain portion of the property of all heads of families, the homestead of a family not to exceed two hundred acres of land (not included in a town or city) or any town or city lot, or lots, in value not to exceed two thousand dollars, shall not be subject to a forced sale for any debts hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same unless by the consent of the wife, in such manner as the legislature may hereafter point out."

No. 14. "Bill of Rights,"

Was then taken up,

And the question being on concurring in the amendments of the select committee thereto,

And a division of the question having been called for,

And the question having been put on concurring in the first amendment, which was to strike out the word "from," in the second line of the 1st section and insert the word "with," in lieu thereof.

It was decided in the affirmative.

The second amendment, which was to strike out of the 6th section the words "in all criminal cases and," also to strike out the word "common," before the word "law,"

Was then concurred in.

The question being on concurring in the 3d amendment, which was to add the 20th section.

Mr. Elmore moved to amend the same by striking out the words "oyer and terminer," and insert the words "to hear and determine."

Which was disagreed to.

And a division having been called for,

There were 19 in the affirmative,

Negative not counted.

Mr. Baird moved to amend the amendment by adding the following proviso:

"Provided, however, that the legislature may provide by law for the holding of special sessions of the circuit courts for the trial of criminal cases."

Which was agreed to.

The question was then put on concurring in the amendment as amended,

And was decided in the negative.

And a division having been called for,

There were 21 in the affirmative, and 33 in the negative.

The 4th amendment of the select committe, which was to add the 21st section.

Was then concurred in.

The question then being on concurring in the 5th amendment of the select committee,

Which was to add the 22d section.

Mr. Elmore moved to amend by striking out the word "allodial," and insert the words "owned by the owners thereof on their own hook, with the right of disposal."

Mr. Elmore, by leave, modified his amendment by striking the words "on their own hook, and insert "in their own right."

The question was then put on the amendment as modified,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Beall, Bell, Bennett, Bowen, Chas. E. Brown, Burchard, Carter, Chamberlain, Warren Chase, Cooper, Cruson, Dennis, Doty, Ellis, Elmore, French, Gibson, Goodrich, Goodsell, Granger, James H. Hall, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Asa Kinney, Magone, Manahan, Moore, Parsons, Phelps, Geo. B. Smith, Soper, and Vineyard—35.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Berry, Bevans, Bowker, Boyd, Brace, Burnside, Coxe, Crawford, Dickinson, Drake, Fitzgerald, Giddings, Goodell, Graham, Green, Hackett, Hammond, Hayes, Geo. Hyer, N. F. Hyer, Inman, Janssen, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Pierce, Prentiss, Mr. President, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, Wm. R. Smith,

Marshall M. Strong, Toland, Tweedy, Vliet, Wakeley, White, Whiteside, Willard and Wilson—56.

Mr. Elmore moved to amend the amendment by striking out the word "escheat."

Which was disagreed to.

The question was then put on concurring in the amendment,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baird, Hiram Barber, Berry, Bowen, Boyd, Burnside, Chamberlain, Cooper, Coxe, Drake, Fitzgerald, Goodrich, Goodsell, Graham, Green, Hackett, Hammond, Hill, Geo. Hyer, N. F. Hyer, Inman, Judd, Kellogg, Joseph Kinney, Meeker, Mills, Noggle, Patch, Parkinson, Pierce, Prentiss, Mr. President, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Tweedy, Vliet, Wakely, Whiteside and Willard—43.

Those who voted in the negative were,

Messrs. Atwood, J. A. Barber, Beall, Bell, Bennett, Brace, Charles E. Brown, Burchard, Carter, Warren Chase, Crawford, Cruson, Dennis, Dickinson, Doty, Ellis, Elmore, French, Fuller, Gibson, Giddings, Goodell, Granger, Gray, James H. Hall, Hayes, Hicks, Holcomb, Heubschmann, Hunkins, Janssen, Asa Kinney, Lovell, Madden, Magone, Manahan, Moore, Parsons, Phelps, Geo. B. Smith, Soper, Marshall M. Strong, Toland, White and Wilson—45.

The amendments having all been disposed of,

Mr. Mills moved to amend by adding a new section, as follows:

"Sec. All persons who observe the seventh day of the week and keep that day as a Sabbath, shall be protected in the same manner in keeping that day as those who observe the first day of the week."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. John M. Babcock, Beall, Bell, Berry, Bowen, Boyd, Burchard, Doty, Drake, Gibson, Goodell, Graham, Green, Hicks, Hill, N. F. Hyer, Inman, Kellogg, Asa Kinney, Joseph Kinney, Mills, Moore, Noggle, Parkinson, Parsons, Pierce, Seaver, Geo. B. Smith, Sewall Smith, Wakely, Whiteside and Willard—32.

Those who voted in the negative, were

Messrs. Atwood, Baird, Hiram Barber, Bennett, Brace, Charles E. Brown, Burnside, Carter, Chamberlain, Warren Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Ellis, Elmore, Fitzgerald, Fuller, Giddings, Goodrich, Granger, Gray, Hackett, Harkin,

Hayes, Hesk, Holcomb, Heubschmann, Hunkins, Janssen, Judd, Lovell, Madden, Magone, Manahan, Meeker, Patch, Parks, Phelps Mr. President, Reed, Ryan, A. Hyatt Smith, William R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vliet and White,—52.

Mr. Magone moved to amend by adding a new section, as follows:

"Sec. That all persons within the limits of this state, shall have the right to receive such money. notes or evidences of debt as they may think proper," when

Mr. Manahan moved that the convention adjourn,

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, John M. Babcock, Berry, Brace, Burnside, Carter, Dicbinson, Elmore, Eitzgerald, Fuller, Goodrich, Graham, Green, Hammond, Harkin, Hayes, Holcomb, Inman, Jenkins, Lovell, Madden, Manahan, Mills, Patch, Phelps, Pierce, Ryan, A. Hyatt Smith, Sewell Smith, Soper, Marshall M. Strong, White and Wilard—33.

Those who voted in the negative, were

Messrs. Baird, Hiram Barber, Beall, Bell, Bennett, Bowen, Boyd, Charles E. Brown, Burchard, Chamberlain, Warren Chase, Cooper, Coxe, Crawford, Cruson, Dennis. Doty, Drake, Ellis, Gibson, Giddings, Goodell, Granger, Gray, Hackett, Hesk, Hicks, Hill, Heubschmann, N. F. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Parsons, Reed, Seaver, George B. Smith, Wm. R. Smith, Tweedy, Vliet, Wakeley and Whiteside—51.

On motion of Mr. Mills,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

No. 14. "Bill of Rights,"

Was taken up, when

Mr. Magone moved to amend the same, by adding as follows:

"Sec. That all persons within the limits of this state, shall have the right to receive and circulate such money, notes or evidences of debt issued without this state, as they may think proper, except such as are counterfeit or fraudulent, unless prohibited by legislative enactment."

Marshall M. Strong raised a question of order, as follows:

"Can the convention entertain the proposed amendment, there having been an article adopted at a previous day of the session, directly of an opposite nature, and which this amendment would virtually repeal?"

The President (Mr. Judd in the chair,) decided the amendmendment in order,

From which decision Marshall M. Strong took an appeal.

And pending the question on said appeal,

Mr. Parks moved a call of the convention,

Which was seconded.

And Messrs. Agry, John M. Babcock, Baker, Bennett, Berry, Hiram Brown, Warren Chase, Combs, Coxe, Dunning, Goodell, Goodsell, Gray ,Geo. B. Hall, Hazen, Geo. Hyer, Kern, Parsons, Rogan, John Y. Smith, and Steele,

Reported absent.

Nathaniel F. Hyer moved that Geo. Hyer be excused from his attendance.

Which was agreed to.

Mr. Hunkins moved that Mr. Dunning be excused from his attendance,

Which was agreed to.

Mr. Elmore moved that all further proceedings under the call be dispensed with,

Which was disagreed to.

Mr. Noggle moved that Geo. B. Hall be excused from his attendance.

Which was agreed to.

Mr. Ryan moved that Mr. Randall be excused from his attendance.

Which was disagreed to,

And a division having been called for,

There were 33 in the affirmative, and 42 in the negative.

George B. Smith moved that John M. Babcock be excused from his attendance,

Which was agreed to.

A. Hyatt Smith moved that Mr. Steele be excused from his attendance.

Which was disagreed to.

And a division having been called for,

There were 27 in the affirmative,

Negative not counted.

The sergeant-at-arms was sent for the absentees.

The sergeant-at-arms having reported that all the absentees were in attendance.

The question recurred on the appeal from the decision of the President.

And the question having been put,

"Shall the decision of the President stand as the judgement of this convention?"

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baker, Beall, Bell, Bowker, Boyd, Charles E. Brown, Burchard, Burt, Combs, Cooper, Dennis, Doty, Drake, Ellis, Fitzgerald, French, Gibson, Graham, Hackett, Hesk, Hill, Heubschmann, Hunkins, Janssen, Asa Kinney, Joseph Kinney, Magone, Mills Moore, O'Connor, Parks, Prentiss, Mr. President, Seaver, Vliet and Wilson—36.

Those who voted in the negative, were

Messrs. Agry, Atwood, Baird, Hiram Barber, J. A. Barber, Bennett, Berry, Bevans, Bowen, Brace, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Coxe, Crawford, Cruson, Dickinson, Edgerton, Elmore, Fuller, Giddings, Goodell, Goodrich, Goodsell, Graham, Gray, Green, James H. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, N. F. Hyer, Inman, Jenkins, Kellogg, Lovell, Madden, Manahan, Meeker, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Randall, Reed, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Toland, Tweedy, Vineyard, Wakeley, White, Whiteside and Willard—67.

Mr. Whitesides moved that the convention do now adjourn,

Which was disagreed to.

The question then recurred on ordering

No. 14. "Bill of rights."

To be engrossed for its third reading, when

Mr. Graham moved to amend the same by adding as follows:

"Sec. No money shall be drawn from the treasury for the benefit of religious societies, or theological or religious seminaries."

Which was agreed to,

Mr. Burchard moved to amend by inserting in the first line of the first section thereof, after the words 'all men," the words "negroes and mulattoes excepted."

Mr. Ryan moved to amend the amendment by inserting before the word "negroes", the word "women".

Which was disagreed to.

The question then recurred ou adopting the amendment offered by Mr. Burchard,

And was decided in the negative.

Mr. Tweedy moved to amend by striking out the 13th section, and inserting as follows:

"Sec. No bill of attainder or ex-post-facto law, shall ever be passed in this state, nor any law impairing the validity of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made, nor shall any conviction work corruption of blood or forfeiture of estate."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Agry, Baird, Berry, Bevans, Brace, Burchard, Burt, Cruson, Edgerton, Elmore, Fitzgerald, French, Goodsell, Graham, Gray, Hackett, Hicks, Holcomb, Inman, Joseph Kinney, Madden, Meeker, Mil s, Noggle, Parkinson, Parks, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, William R. Smith, Tweedy, Vineyard, V.iet, Wakeley, and Willard—38.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Ellis, Fuller, Gibson, Giddings, Goodell, Goodrich, Granger, Green, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hill, Heubschmann, Hunkins, N. F

Hyer, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Lovell, Magone, Manahan, Moore, O'Connor, Patch, Parsons, Phelps, Pierce, Prentiss, Mr. President, Soper, Steele, Marshall M. Strong, Toland, White, Whiteside and Wi son—64.

Mr. Randall moved to amend by adding as follows:

"Sec. No fine or punishment shall be imposed or inflicted for any act in the commission of which no moral turpitude is involved."

Warren Chase moved the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on adopting the amendment of Mr. Randall,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bell, Burt, Combs, French, Heubschmann, Moore, O'Connor and Randall—8.

Those who voted in the negative were,

Messrs. Agry, Atwood, Baird, Baker, Hiram Barber, J. A. Barber, Beall, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Chamberlain, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Elmore, Fitzgerald, Fuller, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Green, Hackett, James H. Hall, Hammond, Harkin, Hesk, Hicks, Hill, Holcomb, Hunkins, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mil's, Noggle, Patch, Parkinson, Parsons, Phelps, Pierce, Prentiss, Mr. President, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Toland, Tweedy, Vliet, Wakely, White, Whiteside, Willard and Wilson—86.

The said article was then ordered to be engrossed for its third reading.

Mr. Noggle asked that leave of absence be granted to Mr. Pierce.

Leave was granted.

On motion of Mr. O'Connor,

The convention adjourned.

MONDAY, NOVEMBER 23, 1846.

Prayer by the Rev. Mr. Miner.

The journal of Saturday was read.

Petitions were presented and referred, as follows:

By Mr. Janssen,

A petition of citizens of Washington county, asking that the homestead of citizens be exempted from sale on execution.

By Mr. Toland,

A petition of citizens of Washington county upon the same subject.

By Mr. Noggle,

A petition of citizens of Rock county upon the same subject.

Which were severally referred to the committee on miscellaneous provisions.

Mr. Hunkins, from the committee on engrossment, reported,

No 14. "Bill of rights," and

Articles Nos. 5, 6, and 7, and sundry resolutions,

As correctly engrossed.

Resolutions were introduced and read as follows, to wit:

By Mr. Judd.

"Resolved, That the committee on revision and arrangement be discharged from the further consideration of the article on banks and banking, and that said article be referred to a committee of the whole; and that the convention will, on Monday next, resolve itself into committee of the whole on said article, at ten o'clock in the forenoon, to the exclusion of all other business."

By Mr. Baker.

"Resoved, That the committee on miscellaneous provisions be instructed to inquire into the expediency of adopting a constitutional provision rendering any person incapable of holding any office of honor, profit or trust within this state, who shall hereafter fight a duel with deadly weapons, or who shall be a second to either party to any such duel."

"Resolved, That the committee on the organization and functions of the judiciary, be instructed to inquire into the expediency of declaring in the constitution whether the common law, or what parts thereof shall be adopted as the law of the State of Wisconsin."

By Mr. Gray.

"Resolved, That the secretary of this convention be, and he is hereby directed to advertise for the next three weeks, in one or more of the newspapers printed in Madison, that sealed proposals will be re-

ceived by him for the printing, folding and stitching of number of copies of the journal of the convention; and the secretary shall contract with the lowest bidder, provided that the amount of said printing shall not exced the lowest price paid by the Council at its last session: and if there shall not be any within three weeks as low as the price paid by the Council, the secretary shall continue to advertise for six weeks, when he shall close the contract with the lowest bidder."

Mr. Hesk asked that leave of absence be granted to Mr. Ellis.

Leave was granted.

Mr. Boyd asked that leave of absence be granted to Mr. Seaver

Leave was granted.

The resolution introduced by Mr. Ryan on the 20th instant, relative to the

"Act of Congress granting a quantity of land to aid in the improvement of the Fox and Wisconsin rivers,"

Was taken up; when

Mr. Beall moved that the consideration thereof be postponed indefinitely.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Warren Chase, Clark, Cooper, Dennis, Doty, Drake, French, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Gray, Green, James H. Hall, Harkin, Hill, Heubschmann, N. F. Hyer, Judd, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, O'Connor, Patch, Phelps, Mr. President, Randall, John Y. Smith, Soper, Steele, Marshall M. Strong, Topping, Wakely and White—58.

Those who voted in the negative, were

Messrs. Berry, Bevans, Charles E. Brown, Burnside, Crawford, Cruson, Dickinson, Dunning, Edgerton, Elmore, Fitzgerald, Fuller, Graham, Hackett, Hammond, Hesk, Hicks, Hunkins, George Hyer, Inman, Janssen, Jenkins, Joseph Kinney, Mills, Noggle, Parks, Parsons, Prentiss, Reed, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, Wm. R. Smith, Toland, Tweedy, Vineyard, Vliet, Willard and Wilson—40.

The resolution introduced by Mr. Crawford on Saturday last, relative to the exemption from taxation and execution of certain property,

Was taken up; when

Mr. Magone moved to amend the same by striking out the words "taxation and."

And pending the question thereon,

Warren Chase moved that the said resolution be laid upon the table,

Which was agreed to.

The resolution introduced on Saturday by Mr. Manahan, relative to exemption of certain property from attachment or execution,

Was taken up; when

Mr. Manahan by leave introduced the following as a modification of the original resolution:

"Resolved, That the legislature shall provide by law that all property, real and personal, whose appraised cash value shall not in the aggregate exceed the sum of one thousand dollars, shall be forever free from forced sale, by attachment on execution, (except by virtue of mortgage) and in all cases where the aggregate cash value shall exceed the sum of one thousand dollars, the debtor or owner of said property shall in all cases have his election as to what property he will have exempted or sold. All appraisements of property shall be made by disinterested persons, under oath."

Mr. Baker moved that the same be laid upon the table.

Which was agreed to.

Article Nos. 5, 6, and 7, and sundry resolutions,

Were then taken up, and

Read the third time, when

Mr. Judd moved that the further consideration of said articles be postponed until to-morrow.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Bell, Bennett, Boyd, Burchard, Burt, Chamberlain, Coxe, Dennis, Doty, Drake, French, Fuller, Granger, Gray, Hicks, Hill, Heubschmann, Hunkins, N. F. Hyer, Judd, Kellogg, Joseph Kinney, Meeker, Mills, Moore, O'Connor Parks, Parsons, Mr. President, Randall, Reed, John Y. Smith, Wm. R. Smith, Toland, Topping and Vliet—37.

Those who voted in the negative, were

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Berry, Bevans, Bowen, Brace, Charles E. Brown, Hiram Brown, Burnside, Carter, Warren Chase, Clark, Cooper, Crawford, Cruson, Dickinson, Edgerton, Elmore, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Graham, Green, Hackett, James H. Hall, Hammond, Harkin, Hesk, George Hyer, Inman, Janssen Jenkins, Asa Kin-

ney, Lovell, Madden, Magone, Manahan, Noggle, Patch, Phelps Prentiss, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, Soper, Marshall M. Strong, Tweedy, Vineyard, Wakeley, White, Whiteside, Willard and Wilson—60.

Mr. Judd moved that the said article be referred to a select committee with instructions to strike out the word "five," in the ninth section, and insert the word "ten," and to add the following at the commencement of section 9:

"Sec. . This state may, to meet accidental deficits and failures in revenue, contract debts; but such debts singly or in the aggregate shall not, at any time, exceed fifty thousand dollars, and."

The president decided the motion to be out of order.

Mr. Baker moved that the further consideration of the article be postponed for three days; when

Mr. Tweedy moved the previous question;

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on the passage of the said articles,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Hiram Barber, Berry, Bevans, Bowen, Brace, Charles E. Brown, Hiram Brown, Burnside, Burt, Carter, Chamberlain, Warren Chase, Clark, Cooper, Crawford, Cruson, Dickinson, Doty, Drake, Edgerton, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodrich, Goodsell, Graham, Green, Hackett, James H. Hall Hammond, Harkin, Hesk, Hicks, Hill, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Kellogg, A. Kinney, J. Kinney, Lovell, Madden, Magone, Mannahan, Meeker, Mills, Moore, Noggle, Patch, Parks, Phelps, Mr. President, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Tweedy, Vliet, Wakely, White, Whiteside and Willard—71.

Those who voted in the negative, were

Messrs. Baker, J. Allen Barber, Beall, Bell. Bennett, Bowker, Boyd, Burchard, Coxe, Dennis, French, Granger, Gray, Heubschmann, Judd, O'Connor, Parsons, Randall, John Y. Smith, Steele, Toland, Topping, Vineyard and Wilson—24.

So the articles passed, and the title thereof was agreed to.

No. 14. "Bill of rights,"

Was then taken up, and

Read the third time, when

Mr. Judd moved that the further consideration thereof be postponed until to-morrow.

Which was disagreed to.

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes having been called for under the rules,

Those who voted in the affirmative, were,

Messrs. Atwood, Baird, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Clark, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goosdell, Graham, Granger, Gray, Green, Hackett, James H. Hall, Hammond, Harkin, Hesk, Hill, Hunkins, Geo. Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, MaGone, Manahan, Meeker, Mills, Moore, Noggle, Patch, Parks, Parsons, Mr. President, Randall, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Steele, Marshall M. Strong, Toland, Topping, Tweedy, Vliet, Wakely, White, Whiteside, Willard and Wilson—85.

Those who voted in the negative, were

Messrs. J. Allen Barber, Beall, Burchard, Burt, Coxe, Elmore, Hicks, Heubschmann and O'Connor—9.

So the article passed,

And the title thereof was agreed to.

The convention then resolved itself into committee of the whole, for the consideration of

No. 13. "Article on the organization and functions of the judiciary;

Mr. Hackett in the chair.

And after some time spent therein,

The committee rose and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Nathaniel F. Hyer,

The convention took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The convention again resolved itself into committee of the whole for the further consideration of

Article No. 13.

Mr. Hackett in the chair.

And after some time spent therein,

The committee rose, and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Baird,

The convention took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The convention again resolved itself into committee of the whole for the further consideration of

No. 13. "Article on the organization and functions of the judiciary;

Mr. Hackett in the chair.

And after some time spent therein,

The committee rose and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Kellogg,

The convention adjourned.

TUESDAY, November 24, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Resolutions were introduced and read as follows, to wit:

By Nathaniel F. Hyer..

"Resolved. That the rules of this convention shall not be so construed as to prevent the report of the committee on revision and adjustment from being considered in committee of the whole, and receiving amendments thereto, if the majority shall so direct."

By Mr. Noggle.

"Resolved, That the 18th rule be amended by adding as follows: 'unless instructed so to do by resolution: provided, always, that such resolution of instruction shall contain the particular matter proposed to be added, stricken out, or amended, and shall be considered without debate, unless by leave of the convention.'"

By Hiram Brown.

"Resolved that all articles that have passed their third reading, be printed for the use of the convention."

The majority and minority reports of the select committee on resolutions relative to disqualification from office,

Were then taken up; when

Mr. Dennis moved that the same be laid upon the table.

Mr. Magone moved a call of the convention.

Which was seconded.

And Messrs. Agry, Beall, Brace, Clark, Combs, Dunning, Gillmore, Graham, Granger, Green, Hayes, Hunkins, Phelps, Prentiss, Randall, Rankin and George B. Smith reported absent.

Mr. Magone moved that all further proceedings under the call be dispensed with.

Which was agreed to.

And a division having been called for,

There were 58 in the affirmative,

Negative not counted.

Mr. Dennis then withdrew his motion.

Mr. Magone moved that the majority and minority reports be referred to the committee of the whole and postponed until the first Monday in December next.

Mr. Judd moved to amend the motion by striking out the word "December," and inserting the word "January."

Warren Chase moved that the said reports be laid upon the table.

And a division of the question having been called for,

And the question having been put on laying the report of the majority of the committee on the table,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Brace, Burnside, Carter, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Edgerton, Fitzgerald, French, Fuller, Gibson, Goodell, Goodrich, James H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Heubschmann, N. F. Hyer, Janssen, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Randall, Reed, Ryan, Soper, Marshall M. Strong, Topping, Vineyard, Wakeley, White, Whiteside and Willard —64.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Bowker, Charles E. Brown, Hiram Brown, Burchard, Burt, Chamberlain, Coxe, Drake, Elmore, Giddings, Gillmore, Goodsell, Gray, Hackett, Hunkins, George Hyer, Inman, Asa Kinney, Moore, Mr. President, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith; Steele, Moses M. Strong, Toland, Tweedy, Vliet and Wilson—32.

The question was then put on laying the minority report on the table,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Brace, Burnside, Carter, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Edgerton, French, Gibson, Gillmore, Goodell, Goodrich, James H. Hall, Hammond, Harkin, Hesk, Hill, Holcomb, Heubschmann, N. F. Hyer, Janssen, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Randall, Reed, Soper, Marshall M. Strong, Topping, Vineyard, Wakeley, White, Whiteside and Willard—60.

Those who voted in the negative were,

Messrs. Baird, Bowker, Charles E. Brown, Hiram Brown, Burchard, Burt, Chamberlain, Coxe, Elmore, Fitzgerald, Fuller, Giddings, Goodsell, Gray, Hackett, Hayes, Hicks, Hunkins, Geo. Hyer, Inman, Jen-

kins, Asa Kinney, Magone, Manahan, Moore, Phelps, Mr. President, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, William R. Smith, Steele, Moses M. Strong, Toland, Tweedy, Vliet and Wilson —38.

Mr. Crawford, from the select committee to which was referred the reports of the clerks of the several courts, made the following report, to wit:

"The select committee to whom was referred the communications from the clerks of the several courts, beg leave to report that they have received returns from six clerks only, which show the expenses and costs are over twice as much as moneys collected. There are a number back yet that have neglected to make their returns.

We have not received returns from Milwaukee, Racine, Walworth, and many other courts.

JOHN CRAWFORD,
Chairman select com.

Mr. Magone, by leave introduced the following resolution, which was read, to wit:

"Resolved, That the following be made a section of the schedule:

Sec. . No member of this convention shall hold any office of honor, trust or profit created by this constitution herewith submitted, for two years next succeeding its adoption."

Moses M. Strong moved that the accounts of the several clerks of courts be referred to the committee on expenses.

Which was agreed to.

The convention then resolved itself into committee of the whole for the consideration of

No. 13. "Article on the organization and functions of the judiciary;"

Mr. Hackett in the chair.

And after some time spent therein,

The committee rose and by their chairman reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Moore,

The convention took a recess until 2 o'clock P. M.

Two O'Clock, P. M.

Mr. Tweedy, from the select committee to whom was referred,

No. 16. "Article on municipal corporations,"

Reported the same back with amendments.

The convention then resolved itself into committee of the whole for the further consideration of

No. 13. "Article on the organization and functions of the judiciary;"

Mr. Hackett in the chair.

And after some time spent therein,

The committee rose and by their chairman reported the said articles back with amendments.

And the question being on concurring in the amendments of the committee of the whole thereto,

A division of the question was called for,

And the question having been put on concurring in the first amendment, to wit: to strike out of the first and second lines of the first section, the words "and the judges of the supreme court, or of the major part of them,"

It was decided in the affirmative.

And the question having been put on concurring in the second amendment of the said committee, to wit: to strike out all after the word "courts," in the third line of the second section,

It was decided in the affirmative.

And the question being on concurring in the third amendment of the committee, to wit: to strike out the fourth section and insert the following:

"For the term of five years from the first election of the judges of the circuit courts, and thereafter until the legislature shall otherwise provide. The judges of the several several circuit courts shall be judges of the supreme court, a majority of whom shall constitute a quorum, and the concurrence of a majority shall be necessary to a decision. A judge who has sat in a cause in the circuit court, shall be disqualified to sit in the same cause in the supreme court."

Mr. Ryan moved to amend the amendment by striking out the words "for the term of five years from the first election of judges of circuit courts, and thereafter until the legislature shall otherwise provide."

And the question having been put on the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, J. Allen Barber, Bevans, Carter, Warren Chase, Crawford, Cruson, Fitzgerald, French, Goodell, Graham, Hackett, James H. Hall, Harkin, Hayes, Hesk, Hicks, Hunkins, Lovell, Madden, Moore. Patch, Parks, Reed, Ryan, A. Hyatt Smith, Soper, Marshall M. Strong and Tweedy—30.

Those who voted in the negative, were

Messrs. Baird, Baker, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Cooper, Coxe, Dennis, Dickinson, Doty, Drake, Fuller, Gibson, Giddings, Gillmore, Goodrich, Gray, Hammond, Hill, Holcomb, Heubschmann, Geo. Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Kellogg, Asa Kinney, Joseph Kinney, Magone, Meeker, Noggle O'Connor, Parkinson, Parsons, Mr. President, Randall, Geo. B. Smith, Sewell Smith, Wm. R. Smith, Steele, Toland, Topping, Vliet, Wakeley, White, Willard and Wilson—58.

The question then recurred on the amendment as reported by the committee of the whole,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, Gray, Hackett, J. H. Hall, Hammond, Harkin, Hayes, Hesk, Hill, Holcomb, Hunkins, Nathaniel F. Hyer, Inman, Janssen, Jenkins, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Moore, Noggle, Patch, Parkinson, Parks, Parsons, Phelps, Mr. President, Ryan, A. Hyatt Smith, Sewell Smith, W. R. Smith, Soper, Mashall M. Strong, Toland, Topping, Tweedy, Vliet, Wakely, White, Willard and Wilson—77.

Those who voted in the negative were,

Messrs. Atwood, Baird, Beall, Coxe, Elmore, Fitzgerald, French, O'Connor, Burnside, Reed, Geo. B. Smith and Steele—12.

The question was then put on concurring in the fourth amendment, which was to strike out the word "prohibition," in the fifth line of the third section, and insert the word "injunction," in lieu thereof: and also to insert the word "and," after the word "original," in the same line,

And was decided in the affirmative.

The question was then put on concurring in the fifth amendment reported by the committee, which was to amend section 5th by striking out "La Fayette and Montgomery," and insert "Iowa," and also to add to the section as follows: "and the counties of Chippewa, St. Croix and Lapointe, shall be attached to the county of Crawford for judicial purposes, until otherwise provided for by the legislature."

And was decided in the affirmative.

The question was then put on concurring in the sixth amendment of the said committee, which was to strike out the word "when," in the second line of the seventh section, and insert the words "after he shall be," in lieu thereof.

And was decided in the affirmative.

The question was then put on concurring in the seventh amendment of the committee, which was to strike out the word "prohibition," in the fourth line of the 8th section, and insert the word "injunction," in lieu thereof.

And was decided in the affirmative.

The question was then put on concurring in the eighth amendment of the committee which was to strike out of the first line of the ninth section, the words "a supreme or circuit," and also to strike out the word "other," in the 4th line of the same section, and to insert after the word "election," in the same line, the words, "for state or county officers."

And was decided in the affirmative.

The question was then put on concurring in the ninth amendment of the committee, which was to insert after the word "supreme," in the first line of the 10th section, the words "and circuit," and strike out the words, "not more than," immediately before the words, "one thousand five hundred dollars;" also to strike out all of the second line of the same section, to the word "and," where it last occurs therein; also, to strike out the number "one," in the seventh line of the same section, and insert "two," in lieu thereof.

And was decided in the affirmative.

The question was then put on concurring in the tenth amendment of the committee, which was to strike out all after the word "law," in the fourth line of the eleventh section.

And was decided in the affirmative.

The question was then put on concurring in the 11th amendment of the committee, which was to strike out the word "four," in the second line of the thirteenth section, and insert "two," in lieu thereof.

And was decieded in the affirmative.

The question was then put on concurring in the 12th amendment of the committee, which was to amend the 13th section by adding af-

ter the word "election," in the 4th line, the following: "The clerk of the circuit court shall perform all the duties of the office of register of deeds. On the first Monday of January and of July in each year, he shall make a statement under oath, of all the fees of his office during the half year preceding, and deposite the same in the office of the county treasurer. When the fees mentioned in such statement shall exceed the sum of seven hundred and fifty dollars, he shall pay seventy-five per cent. of such excess into the county treasury.—He shall in all cases receive his fees in advance, and give such bond as the legislature may require." And also by striking out the word "four," and insert the word "two," in the second line of said section.

And was decided in the affirmative.

The question was then put on concurring in the 13th amendment of the committee, which was to strike out of the first line of the 14th section, the words "concurrent resolution," and insert in lieu thereof the word "address."

And was decided in the affirmative.

And a division having been called for,

There were 31 in the affirmative, and 17 in the negative.

The question was then put on concurring in the 14th amendment of the committee, which was to strike out of the fifth line of the 14th section the words, "and no judge shall be removed for any cause for which he might have been impeached."

And was decided in the affirmative.

The question was then put on concurring in the 15th amendment of the committee, which was to insert after the word "have," in the 4th line of section 16, the words "civil and criminal," and also to strike out all after the word "law," in the fifth line thereof, and to add as follows, to wit: "The legislature shall have power to establish inferior courts in the several counties, with such limited civil and criminal jurisdiction as may be conferred by law."

And was decided in the affirmative.

The question was then put on concurring in the 16th amendment of the committee, which was to strike out of the first line of the 19th section, the words, "in the name of."

And was decided in the affirmative.

The question was then put on concurring in the 17th amendment of the committee, which was to strike out of the 1st line of section 20, the words, "on process or a rate of fees on," and insert in lieu thereof the words, "on all civil," and also to strike out all after the word "courts," in the 2nd line, to the word "shall" in the 4th line and insert the word "which."

And was decided in the affirmative.

The question then being on concurring in the 18th amendment of the committee, which was to strike out the 22nd section and insert as follows: "The profession of attorney, counsellor and solicitor in the courts of this state, is abolished. Any male person of the age of 21 years or upwards, may appear in any court for himself or as attorney, counsellor or solicitor for any other person."

Mr. Heubschmann moved to amend the amendment by striking out all before the word "any," in the second line.

Which was agreed to.

And a division having been called for,

There were 43 in the affirmative, and 30 in the negative.

Mr. Ryan moved to amend by striking out all after the word section, and inserting as follows, to wit: "Every license to practice law shall expire in two years after the adoption of this constitution; and thereafter no person shall be permitted to practice law unless by license of the supreme court, to be granted only after a full examination in open court, and upon the unanimous certificate of the judges, to be entered on the records of the court, that the applicant has upon such examination exhibited full and abundant ability and learning to practice law with safety to the public, and has produhed satisfactory evidence of good moral character."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Hiram Barber, J. A. Barber, Berry, Bevans, Boyd, Brace, Burnside, Chamberlain, Coxe, Drake, Fitzgerald, Goodrich, Hammond, Harkin, Hicks, Holcomb, Inman, Jenkins, Kellogg, Madden, Noggle, O'Connor, Parkinson, Parsons, Mr. President, Reed, Ryan, George B. Smith, Tweedy, Vliet, Wakely, White, Willard and Wilson—36.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, Beall, Bell, Bowker, Charles E. Brown, Hiram Brown, Burchard, Burt, Carter, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Edgerton, Elmore, French, Fuller, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Hackett, James H. Hall, Hesk, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Janssen, Asa Kinney, Joseph Kinney, Lovell, Magone, Meeker, Moore, Patch, Phelps, Randall, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Toland and Topping—54.

The question recurred on the amendment of the the committee of the whole as amended.

And having been put,

It was decided in the affirmative.

The question was then put on concurring in the 19th amendment of the committee, which was to strike out of the first line of section 25, the words "as early as."

And was decided in the affirmative.

The question was then put on concurring in the 20th amendment of the committtee, which which was to strike out all after the words "modification and adoption," in the fifth line of the 25th section,

And was decided in the affirmative.

The amendments of the committee having been gone through with, and the whole article being open for amendment,

Mr. Gray moved to amend by striking out all after the word "term," in the 3d line of the 9th section.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Bennett, Bevans, Bowen, Brace, Hiram Brown, Warren Chase, Cruson, Dickinson, Eitzgerald, Fuller, Giddings, Goodell, Goodsel, Graham, Gray, Hayes, Hesk, George Hyer, Jenkins, Lovell, Noggle, O'Connor, Parsons, Phelps, Mr. President, Ryan, George B. Smith, Steele and Willard—30.

Those who voted in the negative, were

Messrs. Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Berry, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Cooper, Coxe, Crawford, Dennis, Doty, Drake, Edgerton, Elmore, French, Gibson, Goodrich, Granger, Hackett, Jas. H. Hall, Hammond, Harkin, Hicks, Hill, Holcomb, Heubschmann, Hunkins. N. F. Hyer, Inman, Janssen, Kellogg, Asa Kinney, Joseph Kinney, Madden, Magone, Manahan, Meeker, Moore, Patch, Parkinson, Parks, Randall, Reed, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Marshall M. Strong, Toland, Topping, Tweedy, Vliet, Wakeley, White and Wilson—63.

Mr. Dennis moved to amend by striking out the 15th section, and inserting as follows, to wit:

"Sec. 15. There shall be elected in each of the counties of this State, one county judge, who shall perform the duties of judge of probate; and shall have such jurisdiction in cases arising in justices' courts and in special cases, as the legislature may prescribe."

Which was disagreed to.

Mr. Baker moved to amend by inserting the following as section four:

"Sec. 4. Whenever the legislature shall establish a distinct supreme court, as provided in the fifth section of this article, the same shall

consist of one chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two of said judges shall be necessary to a decision. Such jndges shall be chosen by the qualified electors of the state, and shall hold their office for the term of six years, and until their successors are elected and qualified."

Mr. Magone moved to amend by striking out the word "whenever," in the first line, and insert the words "if ever," in lieu thereof.

Which was agreed to.

And a division having been called for,

There were 43 in the affirmative,

And 38 in the negative.

The question was then put on the adoption of the amendment as amended,

And was decided in the negative.

And a division having been called for,

There were 25 in the affirmative,

Negative not counted.

Mr. Lovell moved to reconsider the vote by which the 18th amendment of the committee of the whole, which was relative to the admission of attorneys, was concurred in.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Baker, Hiram Barber, J. Allen Barber, Berry, Bowker, Boyd, Brace, Burnside, Coxe, Edgerton, Fitzgerald, Gillmore, Goodrich, Goodsell, Graham, Hackett, Hammond, Harkin, Hesk, Holcomb, Inman, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Noggle, Parkinson, Parks, Mr. President, Randall, Reed, Ryan, Sewall Smith, William R. Smith, Moses M. Strong, Tweedy, Vliet, Wakeley, White and Willard—42.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Beall, Bell, Bennett, Bevans, Bowen, Charles E. Brown, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Warren Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Elmore, French, Fuller, Gibson, Giddings, Granger, Gray, James H. Hall, Hayes, Hill, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Janssen, Asa Kinney, Magone, Manahan, Meeker, Moore, O'Connor, Patch, Parsons, Phelps, A. Hyatt Smith, George B. Smith, Steele, Marshall M. Strong, Toland, Topping and Wilson—52.

Mr. Hackett moved to amend the 22nd section by adding the following words, to wit:

"Subject to such rules of court as may hereafter be adopted."

Which was disagreed to.

And a division having been called for,

There were 29 in the affirmative,

Negative not counted.

Mr. Beall moved to amend the tenth section by inserting between the words "of," and "one thousand five hundred dollars," the words "not to exceed."

And pending the question thereon,

Marshall M. Strong moved that the article be recommitted to the committee on the organization and functions of the judiciary.

Which was agreed to,

And a division having been called for,

There were 51 in the affirmative,

And 19 in the negative.

On motion of Mr. Ryan,

The convention adjourned.

WEDNESDAY, November 25, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

Mr. Graham, from the committee on education, schools and school funds, reported

No. 31, "Article on education, schools and school funds."

REPORT

OF THE COMMITTEE ON EDUCATION, SCHOOLS AND SCHOOL FUNDS.

ARTICLE.

Sec. 1. The supervision of public instruction shall be vested in a state superintendant and such other officers as the legislature may direct. The state superintendant shall be chosen by the electors of the state once in every two years. The legislature shall provide for filling vacancies in the office of state superintendant, and prescribe his powers and duties.

Sec. 2. There shall be a state fund for the support of public schools throughout the state, the capital of which shall be preserved inviolate. All monies that may be granted by the United States to this state, and the clear proceeds of all property, real or personal that has been or may be granted as aforesaid for educational purposes, or for the use of the state where the purposes of the grant are not specified, and all monies and the clear proceeds of all property which may accrue to the state by forfeiture or escheat shall be appropriated to, and made a part of the capital of said fund. The interest on said fund together with the rents on all such property until sold, shall be inviolably appropriated to the support of said schools, annually. Provision shall be made by law for an equal and equitable distribution of the income of the state school fund amongst the several towns, cities and districts, for the support of schools therein respectively, in some just ratio to the number of children attending such schools respectively.

Sec. 3. Provision shall be made by law requiring the several towns and cities to raise a tax on the taxable property therein, annually, for the support of public schools in said towns and cities respectively, the amount of such tax for each year shall not be less in any town or city than with the amount receavable by such town or city from the state school fund, will produce an amount equal to one dollar and fifty cents for every scholar therein.

Sec. 4. The legislature shall provide for a system of public schools which shall be as nearly uniform as may be throughout the state, and inasmuch as the public schools should be equally free to children of all religious persuasions, no book of religious doctrine or belief, and

no sectarian instruction shall be used or permitted in any public school.

Sec. 5. The legislature shall provide for the establishment of libraries, one at least in each town and city, and the money which shall be paid as an equivalent for exemption from military duty and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws shall be exclusively applied to the support of said libraries.

W. W. GRAHAM, Chairman.
E. G. RYAN,
G. M. FITZGERALD.

Which was read the 1st and 2d times, referred to the committee of the whole and ordered to be printed.

Mr. Steele from the committee on miscellaneous provisions, reported

No. 32. "Article on the rights of married women, and on exemption from forced sale."

The committee on miscellaneous provisions, to whom was referred the subjectsof the rights of married women, as also the subject of the exemption of the homestead from forced sale, respectfully report the following article as the result of their deliberations:

ARTICLE.

Sec. 1. All property both real and personal, all monies, evidences of debt or choses in action of the wife owned or claimed by her before marriage and also that acquired by her after marriage by gift, devise, descent, or by purchase with her separate funds, shall be her separate and individual property, and none of it, except that given her by her husband shall in any manner or form be liable for his debts, and that donated by the husband shall only be liable for debts owing by him at the time of the donation, and in the same manner and to the like extent as if he had retained the same and no further.—Laws shall be passed providing for the registry of the property of the wife, and for the carrying out the provisions of this section.

Sec. 2. The following property shall in no way be liable for debt and shall be exempt from all judgments and liens, and from levy and sale upon any execution or from any forced sale upon any liability hereafter contracted, to wit:

The homestead, including one hundred and sixty acres of land which shall be used solely for farming purposes, or in place thereof at the option of the owner any lot or lots in any town, village or city in this state of the value, including improvements, not to exceed two thousand dollars, all household furniture and wearing apparel, the family library and pictures, the tools of a mechanic or miner, all agricultural implements of a farmer or gardner, the team of a farmer or teamster, with the necessary appendages, all live stock, and the products of the farm, not exceeding in value five hundred dollars, all necessary provisions and fuel provided for use; a seat or pew in any house of worship; all tombs, burial lots or rights of burial; the library of a minister of the gospel, lawyer or physician; the horse, necessary tackle and vehicle, medicines and instruments of a physician or surgeon.

The legislature may make such other and further exemptions as to them shall seem proper.

E. STEELE, Chairman.
W. CHASE.

Which was read the 1st and 2d times, referred to the committee of the whole and ordered to be printed.

Mr. Gray moved that two thousand extra copies be printed for the use of this convention.

Mr. Ryan moved to amend by striking out the word "thousand",

Which was disagreed to.

And a division having been called for,

There were 17 in the affirmative,

Negative not counted.

Moses M. Strong moved that the motion of Mr. Gray be laid upon the table,

Which was agreed to.

The resolution introduced by Mr. Judd on the 23d inst, relative to banks and banking,

Was taken up, when

Mr. Judd moved that the further consideration thereof be postponed until Monday next.

Moses M. Strong moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baird, Hiram Barber, Bennett, Berry, Bevans, Bowen, Brace, Burnside, Chamberlain, Warren Chase, Clark, Coxe, Crawford, Cruson, Dickinson, Dunning, Elmore. Goodell, Goodrich, Goodsell, Harkin, Hayes, Hicks, George Hyer, Inman, Janssen, Jenkins, Kellogg, Asa Kinney, Lovell, Madden, Patch, Parkinson, Parsons, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Wakeley, White, Whiteside and Willard—49.

Those who voted in the negative, were

Messrs. John M. Babcock, Baker, Bell, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burt, Carter, Clothier, Cooper, Dennis, Doty, Drake, Edgerton, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Graham, Gray, Hackett, James H. Hall, Hammond, Hill, Heubschmann, Hunkins, Judd, Joseph Kinney, Magone, Meeker, Mills, Moore, Noggle, O'Connor, Parks, Prentiss, Randall, Reed, Wm. R. Smith, Steele, Toland, Topping, Turner, Tweedy, Vliet and Wilson—49.

Mr. Fuller, by leave, asked that leave of absence be granted him.

Leave was granted.

Mr. Steele asked that leave of absence be granted to Mr. French,

Leave was granted.

Mr. Baker, by leave, gave notice that he would, on some future day, move to reconsider the vote by which the convention agreed to adjourn on the 1st day of December.

Pending the question on the adoption of the resolution of Mr. Judd,

The morning hour having expired, the said resolution was laid over until to-morrow.

No. 16. "Article on municipal corporations,"

Was taken up, when

Marshall M. Strong moved that the same be referred to the committee of the whole,

Which was agreed to.

The convention then resolved itself into committee of the whole, for the consideration of,

No. 2. "Resolution relative to colored suffrage,"

Mr. Baird in the chair.

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the convention without amendment.

Mr. Whitesides moved a call of the convention,

Which was ordered,

And Messrs. Agry, Hiram Barber, J. Allen Barber, Beall, Bennett, Clark, Combs, Elmore, Granger, Holcomb, N. F. Hyer, Magone, Parks, Phelps, Geo. B. Smith and Moses M. Strong reported absent.

Messrs. J. Allen Barber and N. F. Hyer were excused from their attendance.

The sergeant-at-arms was sent for the absentees,

And pending his report,

Mr. Dennis moved that all further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Randall moved to amend the said resolution by striking out the words "the next general election and at."

Which was agreed to.

Moses M. Strong moved to amend by inserting after the word "officers," the words "and shall be eligible to all offices," when

Mr. Parks moved that the further consideration of the said resolution be postponed until Monday next,

Which was disagreed to.

Warren Chase moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on the adoption of the amendment proposed by Moses M. Strong,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Hiram Barber, Bell, Bennett, Bevans, Bowen, Brace, Hiram Brown, Burchard, Burnside, Warren Chase, Clothier, Coxe, Crawford, Dickinson, Doty, Edgerton, Elmore, Fitzgerald, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Hackett, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Heubschmann, Inman, Janssen, Jenkins, Kellogg, Lovell, Madden, Manahan, Meeker, Mills, Noggle, Parkinson, Parsons, Reed, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Steele, Moses M. Strong, Toland, Turner, Tweedy, Vineyard, White Willard and Wilson—61.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Baker, Beall, Berry, Bowker, Boyd, Charles E. Brown, Burt, Carter, Chamberlain, Cooper, Cruson, Dennis, Drake, Dunning, Gillmore, Goodsell, Gray, James H. Hall, Hunkins, George Hyer, Judd, Asa Kinney, Magone, Moore,

O'Connor, Patch, Parks, Prentiss, Mr. President, Randall, Rogan, Geo. B. Smith, Marshall M. Strong, Topping, Vliet, Wakely and Whiteside—39.

The question then recurred on ordering the said article to be engrossed for its third reading.

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Beall, Bell, Berry, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Warren Chase, Cooper, Crawford, Dennis, Dickinson, Doty, Drake, Edgerton, Elmore, Gibson, Giddings, Goodell, Graham, Hackett, James H. Hall, Hammond, Hesk, Hill, Heubschmann, Hunkins, Geo. Hyer, Kellogg, Asa Kinney, Lovell, Magone, Manahan, Mills, Moore, Noggle, Patch, Parsons, Prentiss, Randall, Reed, A. Hyatt Smith, Sewall Smith, Steele, Moses M. Strong, Topping, Turner, Tweedy, Wakely, and Wilson—54.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, Bennett, Bevans, Bowen, Brace, Hiram Brown Burnside, Burt, Clark, Clothier, Coxe, Cruson, Dunning, Fitzgerald, Gilmore, Goodrich, Goodsell, Granger, Gray, Harkin, Hayes, Hicks, Holcomb, Inman, Janssen, Jenkins, Judd, Joseph Kinney, Madden, Meeker, O'Connor, Parkinson, Parks, Mr. President, Rogan, Ryan, Geo. B. Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Toland, Vineyard, Vliet, White, Whiteside and Willard—49.

Moses M. Strong moved that the vote ordering the said resolution to be engrossed for its third reading, be reconsidered, and moved a call of the convention, when

A. Hyatt Smith moved that the convention take a recess until 2 o'clock P. M.

Which was agreed to.

And a division having been called for,

There were 63 in the affirmative,

Negative not counted.

Two O'clock, P. M.

Resolution No. 2., relative to co'ored suffrage,

Was then taken up,

And the question being on the motion of Moses M. Strong, to reconsider the vote, ordering the said resolution to be engrossed,

Mr. Magone moved a call of the convention,

Which was ordered.

And Messrs. Agry, Hiram Barber, Beall, Bennett, Berry, Brace, Burt, C ark, Clothier, Combs, Edgerton, Giddings, Goodrich, James H. Hall, Hayes, Hicks, Holcomb, Heubschmann, Manahan, Parkinson, Parsons, Prentiss, Geo. B. Smith, Steele, Turner, Vineyard and Whitesides, reported absent.

Mr. Meeker moved that leave of absence be granted to Mr. Heubschmann,

Leave was granted.

Mr. Elmore moved that all further proceeding under the call be dispensed with,

Which was disagreed to.

And a division having been called for,

There were 15 in the affirmative,

Negative not counted,

Mr. Judd moved that the convention adjourn until Friday morning next, at 9 o'clock.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hammond, O'Connor, Mr. President and Wilson—4.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Berry, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Chamberlain, Warren Chase, C.othier, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Elmore, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Hackett, Harkin, Hesk, Hill, George Hyer, Inman, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mills, Moore, Noggle, Patch, Parkinson, Parks,

Parsons, Phelps, Prentiss, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Marshall M. Strong, Moses M. Strong, Toland, Topping, Tweedy, Vhet, Wakely, White and Willard—85.

Moses M. Strong moved that all further proceedings under the call be dispensed with,

Which was agreed to,

And a division having been called for,

There were 42 in the affirmative, and 25 in the negative.

Mr. Dennis moved the previous question,

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then recurred on the motion of Mr. Strong, to reconsider the vote on ordering the said resolution to be engrossed.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Hiram Barber, Bennett, Bevans, Bowen, Brace, Hiram Brown, Burnside, Burt, Chamberlain, Clark, Clothier, Combs, Coxe, Cruson, Dunning, Fitzgerald, Gillmore, Goodrich, Goodsell, Gray, Harkin, Hayes, Hicks, Holcomb, Inman, Jenkins, Judd, Madden, Magone, Manahan, Meeker, Parkinson, Phelps, Mr. President, Rogan, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Vineyard, White, Whiteside and Willard—49.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Beall, Bell, Berry, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Warren Chase, Cooper, Crawford, Dennis, Dickinson, D-ty, Drake, Edgerton, Elmore, Gibson, Giddings, Goodell, Graham, Granger, Hackett, James H. Hall, Hammond, Hesk, Hill, Hunkins, George Hyer, Janssen, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Mills, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Prentiss, Randall, Reed, Sewall Smith, Steele, Topping, Turner, Tweedy, Vliet, Wakeley, and Wilson—55.

No. 20, "Article to abolish death as a capital punishment,"

Was taken up, and read the third time, when

Mr. Elmore moved that the further consideration of said article be postponed until Monday next.

Moses M. Strong demanded the previous question,

Which was seconded.

Mr. Mills moved that the convention adjourn,
Which was disagreed to,
And the question having been put,
"Shall the main question be now put?"
It was decided in the affirmative.
The question was then put on the passage of the said article,
And was decided in the negative.
And the ayes and noes having been called for and ordered;
Those who voted in the affirmative, were,

Messrs. Berry, Bowen, Hiram Brown, Burnside, Carter, Warren Chase, Clark, Combs, Doty, Gibson, Goodell, Goodrich, Graham, Hicks, Holcomb, Inman, Jenkins, Madden, Magone, Moore, O'Connor, Phelps, Rogan, Ryan, George B. Smith, Sewall Smith, Soper, Steele, White and Willard—30.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Chamberlain, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Drake, Dunning, Edgerton, Elmore, Fitzgerald, Giddings, Gillmore, Goodsell, Granger, Hackett, James H. Hall, Hammond, Harkin, Hesk, Hill, Hunkins, Geo. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Meeker, Mills, Noggle, Patch, Parkinson, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, A. Hyatt Smith, John Y. Smith, William R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakeley and Wilson—68.

Mr. Tweedy moved to reconsider the vote by which the convention refused to pass the said article.

Mr. Magone moved to lay the said motion on the table,
Which was disagreed to.
The question was then put on the motion to re-consider,
And was decided in the negative.

On motion of Mr. Hackett,
The convention adjourned until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

The convention resolved itself into committee of the whole, for the consideration of,

No. 16, "Article on municipal corporations."

Mr. Magone in the chair.

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the convention with an amendment,

And the question having been put on concurring in the amendment reported by said committee,

Which was to add a new section, as follows:

"Sec. 4. The legislature shall have power at all times, to alter, amend or repeal any act of incorporation hereafter passed, whether such act shall be by general or special law. But no special act of incorporation shall be repealed, except by a vote of two thirds of each house of the legislature. unless in pursuance of a right of repeal reserved in the act creating such incorporation."

It was decided in the affirmative.

The said article was then ordered to be engrossed for a third reading.

Mr. Burchard moved to suspend the rules, in order that the several resolutions pending might be now taken up and acted upon by the convention,

Which was agreed to.

The resolution relative to the article on banks and banking,

Was then taken up, when

Mr. Baird moved that the further consideration thereof be postponed until Monday next,

Which was agreed to.

Resolution No. 2., of Nov. 23d, was then taken up, and

On motion of Mr. Magone,

Was referred to the committee on miscellaneous provisions.

The resolution instructing the committee on the judiciary to enquire into the expediency of declaring in the constitution whether the common law, or what parts thereof, shall be adopted as the law of the state of Wisconsin,

Was then taken up and adopted,

The resolution relative to the printing of the journal of the convention,

Was then taken up; when

A. Hyatt Smith moved that the same be laid on the table,

Which was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. John M. Babcock, Bennett, Chas. E. Brown, Burnside, Carter, Warren Chase, Clothier, Coxe, Crawford, Doty, Fitzgerald, Goodell, Goodrich, Goodsell, Graham, Hackett, Hammond, Harkin, Hesk, Geo. Hyer, Janssen, Jenkins, Joseph Kinney, Lovel, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Parks, Prentiss, Mr. President, Reed, Rogan, A. Hyatt Smith, Geo. B. Smith, Wm. R. Smith, Soper, Toland, Wakeley, White, Willard and Wilson—44.

Those who voted in the negative, were

Messrs. Atwood, Baird, Baker, Hiram Barber, Beall, Bell, Bowen, Boyd, Brace, Hiram Brown, Burchard, Burt, Chamberlain, Cooper, Cruson, Dennis, Dickinson, Drake, Gibson, Giddings, Gillmore, Gray, James H. Hall, Hill, Hunkins, Kellogg, Asa Kinney, Magone, Moore, Parsons, Sewell Smith, Marshall M. Strong, Tweedy and Vliet—34.

The resolution to going into committee of the whole, on the report of the committee on revision and adjustment,

Was then taken up, when

Mr. Kellogg moved that the further consideration of the same be postponed until Monday next,

Which was agreed to.

The resolution to amend the 18th standing rule,

Was then taken up, when

A. Hyatt Smith moved that the same be laid on the table.

Which was decided in the negative.

And a division having been called for,

There were 17 in the affirmative,

Negative not counted.

Marshall M. Strong moved that the further consideration of said resolution be postponed until Monday next.

Mr. Parks demanded the previous question.

A. Hyatt Smith moved a call of the house,

Which was ordered,

And Messrs. Agry, Berry, Bowker, Clark, Combs, Dunning Edgerton, Granger, Green, Hill, Holcomb, Inmann, Judd, Phelps, Rankin, Ryan, John Y. Smith, Steele, Moses M. Strong, Topping and Turner, reported absent.

Mr. Lovell moved that the convention adjourn until to-morrow at 2 o'clock P. M.

Which was disagreed to.

Mr. Dennis moved that all the members reported as absent be excused from their attendance.

Marshall M. Strong moved that the convention adjourn,

Which was disagreed to.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baird, Baker, Bennett, Brace, Hiram Brown, Burnside, Carter, Warren Chase, Coxe, Dickinson, Drake, Goodrich, Goodsell, James H. Hall, Harkin, Hayes, George Hyer, Jenkins, Kellogg, Joseph Kinney, Lovell, Patch, Parkinson, Parsons, A. Hyatt Smith, Sewell Smith, Soper, Wakely and Willard—30.

Those who voted in the negative were,

Messrs. Atwood, Hiram Barber, Beall, Bell, Bowen, Boyd, Charles E. Brown, Burchard, Burt, Chamberlain, Clothier, Cooper, Crawford, Cruson, Dennis, Doty, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Graham, Hackett, Hammond, Hesk, Hunkins, Janssen, Asa Kinney, Magone, Meeker, Mills, Moore, Noggle, O'Connor, Parks, Prentiss, Mr President, Reed, Rogan, Geo. B. Smith. William R. Smith, Marshall M. Strong, Toland, Tweedy, Vliet and Wilson—46.

Mr. Magone moved that the convention do now adjourn

Which was agreed to.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Boyd, Brace, Carter, Warren Chase, Clothier, Coxe, Dickinson, Drake, Gibson, Giddings, Hackett, James H. Hall, Hammond, Hunkins, George Hyer, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Magone, Meeker, Mills, Noggle, O'Connor, Patch, Parks, Parsons, Mr. President, Randall, Reed, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Tweedy, Vineyard, Wakely, Willard and Wilson—46.

Those who voted in the negative, were

Messrs. Bennett, Bevans, Bowen, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Cooper, Crawford, Doty, Elmore, Fitzgerald, Gillmore, Goodell, Goodrich, Goodsell, Graham, Gray, Harkin, Hayes, Hesk, Hicks, Inman, Janssen, Jenkins, Manahan, Moore, Parkinson, Prentiss, Rogan, A. Hyatt Smith, George B. Smith, Vliet, White and Whiteside—37.

So the convention adjourned.

THURSDAY, NOV. 26, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Mr. Baird asked that leave of absence for the remainder of the session be granted to Mr. Agry.

Leave was granted.

Mr. Steele asked that leave of absence be granted himself and Mr. Elmore.

Leave was granted.

Marshall M. Strong introduced the following resolution, which was read, to wit:

"Resolved, That the rules be amended by adding the following rule:

After the report of the committee on revision shall have been received, and the amendments reported by them shall have been acted upon, the report shall be taken up and read section by section, and if any ten members shall desire that a vote be taken upon any section, the president shall put the question upon the adoption of such section, and if a majority shall vote against its adoption, then such section shall be stricken out of the constitution. If any section should be stricken out so that the adjoining sections shall need amendment, then the constitution may be referred to a select committee to make amendments to conform to the vote of the convention. After such amendments shall have been concurred in, the question shall be on ordering the constitution to be engrossed for a third reading, and after the same shall have been engrossed, then the question shall be on its final passage."

The resolution introduced by Mr. Noggle on the 24th inst., relative to amending the rules,

Was taken up; when

Mr. Noggle moved that the consideration thereof be postponed until to-morrow.

Which was agreed to.

The resolution introduced by Hiram Brown on the 24th inst., relative to printing the articles that have passed,

Was taken up; and

The question having been put on the adoption of the same,

It was decided in the affirmative.

And a division having been called for,

There were 43 in the affirmative,

Negative not counted.

The resolution introduced by Mr. Magone on the 24th inst., relative to adding a new section to the schedule,

Was taken up; when

Asa Kinney moved that the same be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baird, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Brace, Hiram Brown, Burnside, Carter, Chamberlain, Warren Chase, Cruson, Dennis, Dickinson, Drake, Edgerton, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Gray, James H. Hall, Hammond, Harkin, Hesk, Hill, Holcomb, Hunkins, Janssen, Judd. Kellogg, Asa Kinney, Joseph Kinney, Lovell, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Mr. President, Reed, Soper, Steele, Marshall M. Strong, Topping, Vliet, Wakely, White, Whiteside, Willard and Wilson—60.

Those who voted in the negative, were

Messrs. John M. Babcock, Bowker, Burchard, Cooper, Crawford, Doty, Elmore, Fitzgerald, Goosdell, Hackett, Hayes, Hicks, Geo. Hyer Inman, Jenkins, MaGone, Manahan, Parkinson, Phelps, Randall, Rogan, Ryan, A. Hyatt Smith, Sewa'l Smith, William R. Smith, Moses M. Strong and Tweedy—27.

Mr. Magone introduced the fo lowing resolution, which was read, to wit:

"Resolved, That the following section be made a part of the constitution, and added as a section to the schedule:

Sec. . No member of this convention shall hold any office of honor, trust or profit created by this constitution herewith submitted, for ten years next succeeding its adoption: Provided, That the disfranchising clause be applied only to those who vote for the adoption of the resolution.

Mr Judd introduced the following resolution, which was read, to wit:

"Resolved, That the following section be adopted as a part of the constitution:

Sec. . The right of the people to transact any and all legitimate business, not inconsistent with public morals, shall never be restrained: nor shall any law be passed restricting the right of the people of this state from freely exercising the privilege of any lawful avocation or business whatever, or from buying or selling any of their commodities, goods or other property, nor shall they be restrained from receiving any security or securities which they may think proper to

receive for the same; and no penalty shall ever be enacted by the legislature, prohibiting the people from paying or receiving in payment for any such goods or other property, any promissory note or other evidence of debt, or any article or articles which they may agree to receive."

Hiram Barber introduced the following resolution which was read, to wit:

"Resolved, That article No. 1, on banks and banking, be submitted to the electors of the territory at the same time this constitution is submitted to them for their approval, and that it be voted on as a distinct proposition. There shall be a separate ballot box kept by the inspectors of election, and every voter entitled to vote for the adoption of this constitution, shall be permitted to vote for or against the said article No. 1, on banks and banking. Tickets shall be prepared having on them written or printed, or partly written and partly printed, the words "against the article on banks and banking," or "for the article on banks and banking" and if a majority of all the votes given on that subject, be "for the article on banks and banking," then the said article No. 1, shall be a part of this constitution. But if a majority of all the votes given on that subject shall be against the said article, then it shall not be a part of this constitution."

Mr. Parks moved that the rules be suspended for the consideration of the resolution introduced by Mr. Magone.

Which was agreed to.

Mr. Hayes moved to adjourn until 9 o'clock to-morrow morning.

Which was disagreed to.

Marshall M. Strong objected to the resolution.

And the question having been put,

"Shall the resolution be rejected?"

It was decided in the affirmative.

Mr. Dennis gave notice that on some future day he would move a reconsideration of the vote or votes by which the present rules or either of the rules of this convention were adopted, and also, that on Monday next, or some succeeding day, he would move to reconsider the vote by which the amended rules of this convention were adopted on the 21st day of October last, and also the vote by which the rules of this convention were adopted on the 6th day of October last.

It being 10 o'clock, A. M.,

Mr. Baird moved that the convention take a recess until 2 o'clock, P. M.,

The day having been appointed by the Executive of the Territory as a day of thanksgiving.

Mr. O'Connor moved that the convention do now adjourn.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Hiram Barber, Bennett, Berry, Bevans, Bowker, Brace, Hiram Brown, Clark, Clothier, Dickinson, Elmore, Fitzgerald, Goodrich, Graham, Hackett, Jas. H. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Holcomb, Inman, Janssen, Judd, Lovell, Madden, Magone, Manahan, Meeker, O'Connor, Phelps, Mr. President, Ryan, Marshall M. Strong, Moses M. Strong, Toland, Topping and Vineyard—39.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Bell, Bowen, Boyd, Burchard, Burnside, Carter, Chamberlain, Warren Chase, Combs, Cooper, Crawford, Cruson, Dennis, Doty, Drake, Edgerton, Gibson, Giddings, Gillmore, Goodell, Goodsel, Granger, Gray, Hill, Hunkins, George Hyer, Kellogg, Asa Kinney, Joseph Kinney, Moore, Noggle, Patch, Parkinson, Parks, Parsons, Prentiss, Randall, Reed, Rogan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Steele, Turner, Tweedy, Vliet, Wakeley, White, Whiteside, Willard and Wilson—57.

The question then recurred on the motion of Mr. Baird,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were

Messrs. Atwood, John M. Babcock, Baird, Baker, Bell, Berry, Bowker, Boyd, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Warren Chase, Clark, Combs, Cooper, Dennis, Drake, Gibson, Gidings, Goodell, Goodsell, Granger, James H. Hall, Hammond, Hunkins, Kellogg, Asa Kinney, Meeker, Moore, Noggle, Patch, Parsons, Prentiss, Mr. President, Randall, Rogan, A. Hyatt Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Topping Tweedy, Vineyard, Vliet, Wakeley, White and Willard—50.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Bennett, Bevans, Bowen, Brace, Clothier, Crawford, Cruson, Dickinson, Doty, Edgerton, Elmore, Fitzgerald, Gillmore, Goodrich, Graham, Gray, Hackett, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Geo. Hyer, Inman, Janssen, Jenkins, Judd, Joseph Kinney, Lovell, Madden, Magone, Manahan, O'Connor, Parkinson, Parks, Phelps, Reed, Ryan, John Y. Smith, Steele, Moses M. Strong, Toland, Turner, Whiteside, and Wilson—48.

So the convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

Mr. Phelps moved that the convention do now adjourn.
Mr. Baird called for a division.
And also for the ayes and noes;
Neither of which were put.
And the question having been put on the motion of Mr. Phelps,
It was decided in the affirmative.
So the convention adjourned.

Friday, November 27, 1846.

Prayer by the Rev. Mr. Miner,.
The journal of yesterday was read and corrected.
Mr. Hunkins, from the committee on engrossment, reported
No. 16. "Article on municipal corporations," as correctly engrossed.

Wm. R. Smith introduced the following resolutions, which were read, to wit:

"Resolved, that the secretary of this convention be hereby directed to deposit in the office of the secretary of the territory at Madison, the constitution of the state of Wisconsin, and all petitions, memorials, reports of committees, manuscript journals, and manuscript minutes of the committee of the whole, and all other records of the convention.

Resolved, That the engrossed constitution shall be signed by the members of the convention in the order of the counties which they respectfully represent, and by the officers thereof, on the day of December instant, at o'clock, A. M., in convention, and

that the following certificate precede the signatures:

"We, the undersigned members of this convention, to form a constitution for the future state of Wisconsin, to be submitted to the people thereof for their adoption or rejection, do hereby certify that the foregoing is the constitution as agreed to by the convention.

In testimony whereof, according to the act of the legislature in that case made and provided, we have hereunto set our hands, at Madison, this day of December, A. D. 1846.

Resolved, That 10,000 copies of the constitution be printed for the use of the members of the convention.

Resolved, That 600 copies of the journal of the convention be printed and half bound, and that the same be distributed as follows:

To each of the delegates, one copy.

To the President of the United States, the heads of each department of government, including the commissioner of Indian affairs, and the commissioners of the general land office, each one copy.

To the executive of each of the United States, each one copy.

To the Secretary of the senate, and clerk of the house of representatives of the Congress of the United States, for the use of the houses of Congress, each one copy.

To the congressional library, five copies.

To the governor, secretary and the judges of the supreme court of the Territory of Wisconsin, each one copy.

To the clerks of the courts of the organized counties in this territory, for the use of the respective counties, each one copy.

To the territorial library, twenty five copies.

The remainder of the copies shall be deposited in the territorial library, subject to such distribution as may hereafter be directed by law."

Mr. Burt introduced the following resolution, which was read, to wit:

"Resolved, That the committee on miscellaneous provisions, be instructed to enquire into the expediency of embodying in their report a provision prohibiting the legislature from appropriating any public money for the payment of any clerical service, or to any clerical office whatever."

The resolution introduced by Mr. Noggle on the 24th inst., relative to an amendment of the rules,

Was taken up; when

Mr. Noggle moved that the consideration of the same be postponed until to-morrow.

Which was agreed to.

The resolution introduced by Marshall M. Strong, on yesterday, relative to amending the rules,

Was taken up; when

Mr. Baker moved to amend by inserting after the word "constitution", in the 11th line, the following:

"And if members shall request that any section shall be amended, or that a new section shall be adopted, the question shall be put upon such proposed amendment or new section, and if adopted by a vote of the majority, the same shall become part of the constitution; and also to insert after the words "stricken out", in the 11th line, as follows:

"Or amended or a new section added."

A. Hyatt Smith moved to amend the amendment by filling the blank with the words, "a majority of the".

And pending the question thereon,

The morning hour expired.

The said resolution was laid over until to-morrow.

The convention then resolved itself into committee of the whole, for the consideration of

Articles Nos 3, 11 and 17.

Marshall M. Strong in the chair,

And after some time spent therein the committee rose, and by their chairman,

Reported progress thereon.

And asked leave to sit again.

Leave was granted.

On motion of Mr. Judd,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The convention resolved itself into committee of the whole for the further consideration of

Articles Nos. 3, 11 and 17.

Marshall M. Strong in the chair,

And after some time spent therein, the committee rose, and by their chairman reported

Articles Nos. 3 and 17 back with amendments to each,

And article No. 11 without amendment.

No. 3. "Article on eminent domain and property of the state,"

Was taken up,

And the question having been put on concurring in the amendment of the committee of the whole,

Which was to insert after the word "states", in the 3d line from the bottom of the first page, the words "Territory or Territories."

It was decided in the affirmative.

The said article was then ordered to be engrossed for its third reading.

No. 11. "Article relative to the act of Congress for the admission of the state,"

Was taken up, when

Mr. Prentiss moved to amend the 1st section, by inserting between the words "United States" and "approved", in the 15th line, the words "entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights".

Which was agreed to,

The said article was then ordered to be engrossed for its third reading.

No. 17. "Ordinance relative to the boundaries of Wisconsan",

Was taken up,

And the question being on concurring in the amendments of the committee of the whole thereto,

A division of the question was called for,

The question was then put on concurring in the 1st amendment of the committee of the whole,

Which was to strike out the letter "a", in the word "Wisconsan", wherever it occurs, and insert the letter "i".

And was decided in the affirmative.

The question was then put on concurring in the 2nd amendment of the committee of the whole,

Which was to strike out the word "shall", where it first occurs in the 8th line of the 2nd section, and insert the word "may",

And was decided in the affirmative.

The question was then put on concurring in the 3d amendment of the committee.

Which was to insert after the word "agree", in the 2nd section, the words "in case the legislature shall deem it expedient."

And was decided in the affirmative.

Mr. Ryan moved that the said article be recommitted to the committee on the name and boundaries of the state, with instructions to report the north western boundary of this state on the dividing line between the United States and Great Britain.

And pending the question thereon,

Mr. Judd moved that the further consideration of the said article be postponed until to-morrow morning,

Which was agreed to,

Mr. Dennis, from the committee on expenses, by leave, made the following report, to wit:

"The committee on expenses, to whom was referred the account of S. S. Keyes, for chairs furnished the convention, make the following report:

Resolved, That S. S. Keys be allowed the sum of one hundred and fourteen dollars, for chairs furnished for the use of the convention, and that the treasurer of the territory be, and he hereby is directed to pay the same."

By the unanimous leave of the convention, the said resolution was taken up and adopted.

On motion of Mr. Baird,

The convention took a recess until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

The convention resolved itself into committee of the whole, for the consideration of

No. 31. "Article on education, schools and school funds."

Warren Chase in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported progress on said article,

And asked leave to sit again,

Leave was granted.

On motion of Mr. Ryan,

The convention adjourned.

SATURDAY, NOV. 28, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Leave of absence was asked for and granted as follows, to wit:

By Mr. Patch, for Mr. Manahan.

By Mr. Burchard, for Mr. Edgerton.

By Mr. Brown, for Mr. Phelps.

Warren Chase, from the committee on miscellaneous provisions, reported,

No. 33. "Article relative to duelling."

The committtee on miscellaneous provisions, to whom was referred the reso'ution rendering duelists ineligible to office, report the following article which they recommend to form a part of the constitution:

ARTICLE.

Sec. 1. Any person who shall, after the adoption of this constitution, fight a duel or send a challenge for that purpose, or be an aider or abetter in fighting a duel, shall be ineligible to any office of trust, honor or profit in this state, and may be punished in such other manner as shall be prescribed by law.

W. CHASE,
J. D. DOTY,
DAVIS BOWEN.

Which was read the first and second times, referred to the committee of the whole and ordered to be printed.

Mr. Beall, from the committee on schedule, reported,

No. 34. "Schedule."

Which was read the first and second times, referred to the committee of the whole, and ordered to be printed.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of territorial to a permanent State government, it is declared that all rights actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Wisconsin, previous to its admission into the Union of the United States shall be valid, as if issued in the name of the state.

Sec. 2. All laws now in force in the Territory of Wisconsin, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature.

Sec. 3. All fines, penalties, and forfeitures accruing to the Territory of Wisconsin, shall accrue to the use of the State.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change of territorial to a permanent state government shall remain valid, and shall pass over to, and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or any other officer or court in his or their official capacity, shall pass over to the Governor or state authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate or property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims or debts of whatsoever description, of the Territory of Wisconsin, shall inure to and vest in the state of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the state of Wisconsin as the same could have been by the Territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Wisconsin at the time of the change from a territorial to a state government, shall be continued and

transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

Sec. 5. All officers, civil and military, now holding their offices under the authority of the United States, or of the Territory of Wisconsin, shall continue to hold and exercise their respective offices until they shall be superseded under the authority of the state.

Sec. 6. The first session of the legislature of the state of Wisconsin, shall commence on the first Monday of November next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.

Sec. 7. All county and township officers shall continue to hold their respective offices unless removed by the competent authority, until the legislature shall in conformity to the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

Sec. 8. The president of this convention shall immediately after its adjournment, cause a fair copy of this constitution, together with an authentic copy of the act of the legislature of this Territory entitled "an act in relation to the formation of a state government in Wisconsin," approved January 31, 1846, providing for the calling of this convention, and also a copy of so much of the last census of this territory as exhibits the number of its inhabitants, to be forwarded to the President of the United States, and the respectful request of this convention in behalf of the people of Wisconsin, that all said matters may be by him laid before the Congress of the United States at its present session.

Sec. 9. This constitution shall be submitted at an election to be held on the first Tuesday in April next, for ratification or rejection, to all persons who shall then have the qualification of electors for delegates to this convention, and all persons having such qualifications at the time last aforesaid, shall be entitled to vote for or against the adoption of this constitution, and for all officers to be elected under it. And if the constitution be ratified by the said electors, it shall become the constitution of the State of Wisconsin. On such of the ballots as are for the constitution, shall be written or printed the word "yes," and on those which are against the ratification of the constitution, the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners, (as the case may be), to the Governor of the Territory at any time before the tenth day of May next. And in the event of a ratification of this constitution by a majority of all the votes given, it shall be the duty of the Governor of this Territory to make proclamation of the same, and to communicate a digest of the returns to the Senate and House of Representatives of the state on the first day of their session. The Governor shall also issue

writs to the proper authorities in the several counties, requiring them to cause an election to be held on the first Monday in September next, for Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Members of the State Legislature, and for all officers who are elective under this constitution, except judges.

Sec. 10. Two members of Congress shall also be elected on the first Monday in September next, and until the first enumeration and apportionment shall be made as directed by this constitution; the counties of Brown, Manitouwoc, Calumet, Fond du Lac, Sheboygan, Washington, Milwaukee, Waubesha, Racine and Walworth, shall constitute the first congressional district, and elect one member: and the counties Marquette, Winnebago, Columbia, Portage, Sauk, Dodge, Jefferson, Dane, Rock, Green, Iowa, Grant, Richland, Crawford, Chippewa, St. Croix and LaPointe, shall constitute the second congressional district, and shall elect one member.

Sec. 11. The first election of judges of the supreme and circuit court, shall be held on the second Monday of June next, and the Governor of the Territory shall, by the 15th day of May next, issue writs to the proper authorities in the several counties and districts, requiring such election to be held on the day aforesaid in their respective counties and districts.

Sec. 12. The several elections provided for in this article shall be conducted according to the existing laws of this Territory; and the returns (except for township and county officers) shall be certified and transmitted to the Speaker of the House of Representatives, at the seat of government, in such time that they may be received on the first Monday of November next; and as soon as the legislature shall be organized, the Speaker of the House of Representatives and the President of the Senate shall, in the presence of both houses, examine the returns and declare who are duly elected to fill the several offices hereinbefore mentioned.

Sec. 13. All persons to be eligible to any office in this state, shall have the qualification of electors as specified in article No. 1. "On suffrage and elective franchise."

Sec. 14. Such parts of the common laws as have hitherto been in use in the Territory of Wisconsin, not inconsistent with this constitution and the statute laws which may be in force, shall be and continue part of the law of this state, until altered or suspended by the legislature.

Sec. 15. The Governor, Lieutenant Governor and other state officers first elected under this contitution, shall enter upon the duties of their respective offices on the first Monday in November next, and shall continue in office for two years from the first day of January following, and the judges elected under this constitution shall enter

upon the duties of their offices on the first day of January after such election, and their terms of office shall be five years after said first day of January. And the Governor and other territorial officers whose places are supplied by the election under this constitution, shall continue in office until their successors are qualified and enter upon the duties of their office as before stated.

Sec. 16. The oath of office may be administered by any judge or justice of the peace, until the legislature shall otherwise direct.

Mr. Baker, from the committee on the organization and functions of the judiciary, reported

No. 35. "Article on the common law."

The committee on the organization and functions of the judiciary to whom the subject was referred, respectfully report the following, and recommend its adoption, and that it be embraced in substance in the schedule to the constitution, to wit:

ARTICLE.

Such parts of the common law as have hitherto been in use in the Territory of Wisconsin, not inconsistent with this constitution, and the statute laws which may be in force, shall be and continue part of the law of this state, until altered or suspended by the legislature.

Respectfully submitted.

C. M. BAKER, Chm.

Which was read the first and second times and referred to the same committee of the whole which shall have in charge,

No. 34. "Schedule;"

And ordered to be printed with said schedule.

Mr. Baker, from the same committee to whom had been recommitted,

No. 13. "Article on the organization and functions of the judiciary,"

Reported the same back with amendments.

Marshall M. Strong, from the committee on engrossment, reported,

No. 3. "Article on eminent domain and property of the state;" and

No. 11. "Article relative to the act of Congress for the admission of the state,"

As correctly engrossed.

The resolution introduced by Mr. Noggle on the 24th inst, relative to amending the rules,

Was taken up, when

Mr. Noggle by leave withdrew the same.

The resolution introduced by Marshall M Strong on the 26th inst., relative to amending the rules,

Was taken up;

And the pending question being on the amendment of Mr. Baker,

Mr. Baker moved to fill the blank with "twenty-five."

A. Hyatt Smith moved to fill the blank with the words, "a majority of the."

And the question having been put on the amendment of A. Hyatt Smith,

It was decided in the negative.

And a division having been called for,

There were 34 in the affirmative, and 39 in the negative.

Mr. Lovell moved to fill the blank with the words, "a majority of the members present."

And pending the question thereon, the morning hour having expired,

Mr. Burchard moved a suspension of the rules for the consideration of said resolution now.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Hiram Barber, Beall, Bennett, Bevans, Bowen, Boyd, Brace,

Charles E. Brown, Hiram Brown, Burnside, Burt, Carter, Clark, Combs, Crawford, Dennis, Dickinson, Doty, Elmore, Goodrich, Graham, Granger, Gray, James H. Hall, Hesk, Holcomb, Jenkins, Judd, Kellogg, Madden, Moore, Noggle, O'Connor, Patch, Parkinson, Prentiss, Reed, Geo. B. Smith, William R. Smith, Moses M. Strong, Turner, Vineyard and Whiteside—43.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Bell, Bowker, Burchard, Chamberlain, Warren Chase, Cooper, Coxe, Drake, Dunning, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goosdell, Hackett, Hammond, Harkin, Hicks, Hunkins, Geo. Hyer, Inman, Asa Kinney, Joseph Kinney, Lovel', MaGone, Meeker, Parks, Parsons, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Toland, Topping, Tweedy, Vliet, Wakely, White, Willard and Wilson—48.

No. 16. "Article on municipal corporations,"

Was taken up;

And the question being on filling the blank therein,

Mr. Tweedy moved that the blank be filled with "ten."

Moses M. Strong moved that the blank be filled with "one;" when

Asa Kinney moved the previous question.

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on filling the blank with "ten."

And was decided in the affirmative.

The question was then put on the passage of the said article,

And was decided in the negative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were,

Messrs. Hiram Barber, Bennett, Boyd, Carter, Warren Chase, Clark, Dickinson, Granger, James H. Hall, Harkin, Jenkins, Lovel', Prentiss, Rogan, Ryan, A. Hyatt Smith, Marshall M. Strong, Vliet and Wakeley—19.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Beall, Bell, Berry, Bevans, Bowen, Chas. E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Clothier, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Fitzgerald, Gibson, Giddings, Goodell, Goodrich, Graham, Gray, Hackett, Hammond, Hesk, Hicks, Hill, Holcomb, Hunkins, Geo. Hyer, Inman, Judd, Kellogg, Asa Kinney, Joseph Kinney, Madden, Magone, Meeker, Moore, O'Connor, Parkin-

son, Parks, Parsons, Randall, Reed, Geo. B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Moses M. Strong, Toland, Turner, Tweedy White, Whiteside, Willard and Wilson—66.

So the article was rejected.

No. 3. "Article on the eminent domain and property of the state," Was read the third time, and the question having been put on the passage of the same,

It was decided in the affirmative,

And the ayes and noes being required by the rules,

Those who voted in the affirmative were,

Messrs. Atwood, Baird, Beall, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Charles E. Crown, Hiram Brown, Burchard, Burnside, Carter, Chamberlain, Clark, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Eitzgerald, Gibson, Goodell, Goodrich, Graham, Granger, Hackett, Jas. H. Hall, Hammond, Harkin, Hesk, Hill, Holcomb, George Hyer, Inman, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Moore Noggle, O'Connor, Parkinson, Parks, Parsons, Prentiss, Randall, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Turner, Tweedy, Vliet, Wakeley, White, Whiteside, Willard and Wilson—73.

Those who voted in the negative, were

Messrs. Hiram Barber, Warren Chase, Clothier, Giddings, Gray, Hicks, Magone, Reed, George B. Smith and Moses M. Strong—10.

No 17. "Ordinance in relation to the boundaries of Wisconsin," Was read the third time; when

Mr. Ryan moved that the further consideration thereof be postponed until Monday next.

And pending the question thereon,

On motion of Mr. Holcomb,

The convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

No. 13. "Article on the organization and functions of the judiciary,

Was taken up; when

Marshall M. Strong moved that the secretary be directed to make a fair copy of the same as amended in committee of the whole;

Which was agreed to.

No. 17. "Ordinance in relation to the boundaries of Wisconsin,"

Was then taken up; when

Mr. Ryan moved that the same be recommitted to the committee on the name and boundaries of the state, with instructions to report the north western boundary of this state, on the dividing line between the United States and Great Britain.

Mr. Holcomb moved to amend the motion by adding,

"Provided, That Congress be requested to change the north west boundary, and assent thereto, so as to adopt the report of the select committee to inquire into the expediency and locating a line to divide the Territory of Wisconsin, into two states, viz: commencing at the head waters ef the Montreal river, as marked by Captain Cram, thence soutwesterly to a point a half degree due north to the highest peak on Mountain Island on the Mississippi river; thence due south over said Mountain Island to the centre of the channel of the Mississippi river."

And the question having been put on said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hiram Barber, Beall, Bell, Bennett, Warren Chase, Combs, Cruson, Dunning, Elmore, Gidings, Graham, Granger, Hackett, James H. Hall, Holcomb, Hunkins, Asa Kinney, Magone, Moore, Pierce, Prentiss, Randall, Reed, George B. Smith, Sewall Smith, John Y. Smith, Moses M. Strong, Topping and Tweedy—29.

Those who voted in the negative, were

Messrs. Baird, Baker, Berry, Bevans, Bowen, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burt, Chamberlain, Clark, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Fitzgerald, Gibson, Gillmore, Goodell, Goodsell, Gray, Hammond, Harkin, Hesk, Hicks, Jenkins, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Noggle,

O'Connor, Patch, Parks, Parsons, Mr. President, Ryan. A. Hyatt Smith, William R. Smith, Marshall M. Strong, Toland, Vliet, Wakeley, White. Willard and Wi son—51.

The question then recurred on the motion of Mr. Ryan,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Beyans, Bowen, Brace, Burt, Chamberlain, Clark. Coxe, Fitzgerald, Goodrich, Graham. Gray, James H. Hall, Harkin, Hayes, Jenkins, Madden, Parkinson, Ryan, A. Hyatt Smith, White and Willard —21.

Those who voted in the negative, were

Messrs. Baird, Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Carter, Warren Chase, Combs, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Elmore, Gibson, Giddings, Gillmore, Goodell, Goodsell, Granger. Hackett, Hammond, Hesk, Hicks, Holcomb, Hunkins, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Magone, Meeker, Moore, Nogg'e, O'Connor, Patch, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vliet, Wakely and Wilson—64.

Mr. Ho'comb moved to amend the article by inserting before the proviso, in the first section, as follows: "Provided, That Congress shall be requested so to alter the northwest boundary of Wisconsin as described in the act of August 6th, 1846, so as to run from the head waters of Montreal river, where the line marked by Captain Cram first touches said head waters, southwesterly to a point a half a degree due north to the highest peak on the Mountain Island; thence due south over said highest peak to the channel of the Mississippi river."

Moses M. Strong moved to amend the amendment by substituting the following:

"Insert before the proviso, in the first section, the following: "Provided, however, that the following alteration of the aforesaid boundary be and hereby is proposed to the Congress of the United States, as the preference of the State of Wisconsin, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory upon the state of Wisconsin, viz: leaving the aforesaid boundary line at the head waters of the Montreal river, as marked upon the survey made by Captain Cram, and running thence in a southwesterly course to a point thirty-five miles due north of the highest peak on Mountain Islsnd, on the

Mississippi river; thence due south over said Mountain Is'and to the centre of the channel of the Mississippi river; thence down the centre of the main channel of that river, as prescribed in the aforesaid boundary."

Mr, Holcomb accepted the amendment as a substitute for the amendment proposed by him.

The question was then put on adopting the said amendment,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Hiram Barber, Beall, Bennett, Carter, Warren Chase, Clothier, Combs, Drake, Dunning, Elmore, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Hackett, James H. Hall, Harkin, Hayes, Hesk, Holcomb, Hunkins, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, O'Connor, Patch, Parks, Prentiss, Mr President, Randall, Reed, Geo. B. Smith, Sewell Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakely and Willard—49.

Those who voted in the negative were,

Messrs. Baird, Baker, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Clark, Cooper, Crawford, Cruson, Dickinson, Doty, Fitzgerald, Gillmore, Goodsell, Gray, Hammond, Hicks, George Hyer, Jenkins, Meeker, Noggle, Parkinson, Parsons, Rogan, Ryan, A. Hyatt Smith, William R. Smith and White—37.

Mr. Elmore moved to reconsider the vote by which the amendment of Moses M. Strong was adopted.

Mr. Gray moved a call of the convention,

Which was seconded; when

On motion of Marshall M. Strong,

The convention adjourned.

MONDAY, NOVEMBER 30, 1846.

Prayer by the Rev. Mr. Miner.

The journal of Saturday was read.

Mr. Kellogg introduced the following resolution, which was read, to wit:

"Resolved, That in the judgment of this convention, the principle contained in the 6th section of the bank article is of the most vital importance; but to prevent any apprehension that may be entertained its operating unfavorably as to the adoption of the constitution by the people, it is expedient to strike it out of the bank article."

Marshall M. Strong, from the committee on engrossment, reported.

No. 2. "Resolution relative to colored suffrage,"

As correctly engrossed.

Mr. Baker, in pursuance of previous notice, moved that the vote by which the convention adopted the resolution for the adjournment of the convention on Tuesday, the first day of December next, be reconsidered.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Burt, Carter, Chamberlain, Horace Chase, Combs, Cruson, Dennis, Dickinson, Drake, Dunning, Fitzgerald, Fuller, Gillmore, Goodrich, Goodsell, Graham, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Jenkins, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, Rogan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Turner, Tweedy, Vliet, Wakeley and White—74.

Those who voted in the negative, were

Messrs. Baird, Beall, Burchard, Warren Chase, Clothier, Cooper, Crawford, Doty, Elmore, Gibson, Giddings, Goodell, Janssen, Asa Kinney, Magone, Moses M. Strong, Whiteside, Willard and Wilson—19.

Moses M. Strong moved to amend the said resolution by striking out "Tuesday, the 26," and insert the words "Wednesday, the second."

And pending the question thereon,

Marshall M. Strong moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Carter, Chamberlain, Horace Chase, Clothier, Combs, Cooper, Crawford, Dennis, Dickinson, Drake, Dunning, Fitzgerald, Fuller, Goodsell, Goodrich, Graham, Granger, Green, Hackett, George B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, Jenkins, Judd, Kellogg, Joseph Kinney, Lovell, Meeker, Moore, Noggle, O'Connor, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, Rogan, Ryan, Seaver, George B. Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Toland, Turner, Vliet and Wakeley—71.

Those who voted in the negative were,

Messrs. Baird, Beall, Burchard, Burt, Warren Chase, Clark, Cruson, Doty, Elmore, Gibson, Giddings, Gilmore, Gray, Janssen, Asa Kinney, Magone, Moses M. Strong, Tweedy, Vineyard, White, Whiteside, Willard and Wilson—23.

Mr. Reed introduced the following resolution, which was read, to wit:

Resolved, That a committee of nine be appointed by the President to report what change, if any, should be made in the provisions of article

No. 1. "On banks and banking".

The resolution introduced by Marshall M. Strong, on the 26th inst., relative to amending the standing rules,

Was taken up, when

Mr. Willard moved that the same be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Baird, Berry, Bevans, Brace, Hiram Brown, Burnside, Chamberlain, Warren Chase, Clark, Cruson, Dickinson, Drake, Dunning, Elmore, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Gray, Green, Hackett, Hammond, Harkin, Hazen, Hesk, Ho-

comb, Inman, Jenkins, Lovell, Madden, Parkinson, Parsons, Mr. President, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, Soper, Moses M. Strong, Toland, Vineyard, White, Whiteside and Willard —46.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Bowker, Boyd, Burchard, Carter, Horace Chase, Clothier, Combs, Cooper, Crawford, Dennis, Doty, Fitzgerald, Fuller, Gilmore, Granger, Geo. B. Hall, James H. Hall, Hayes, Hicks, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Parks, Prentiss, Randall, Reed, Rogan, Seaver, William R Smith, Marshall M. Strong, Turner, Tweedy, Wakely and Wilson—51.

Mr. Reed moved that the further consideration of said resolution be postponed until Thursday next.

Moses M. Strong moved to amend the motion by striking out the word "Thursday" and inserting the word "Monday,"

Which was disagreed to.

Mr. Lovell moved to amend the motion by striking out the word "Thursday," and inserting the words "when the committee on revision make their report."

Which was agreed to.

The motion as amended was then agreed to.

Mr. Goodell introduced the following resolution, which was read, to wit:

"Resolved, That this convention adjourn on Monday, December 7th, 1846."

The resolution introduced by Wm. R. Rmith, on the 27th inst., relative to printing the journals &c,

Was taken up, when

Wm. R. Smith moved that the said article be passed informally, and be printed.

Which was agreed to.

The resolution introduced by Mr. Judd, on the 26th inst., relative to restrictions upon trade,

Was taken up, when

Mr. Ryan moved that the same be laid upon the table,

Which was agreed to.

The resolution introduced by Hiram Barber on the 26th inst, relative to a separate submission to the people of the article on banks and banking,

Was taken up, when

Hiram Barber moved that the further consideration thereof be post-

poned until the committee on revision shall have made their report.

And pending the question thereon,

Mr. Whitesides moved that the same be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Bennett, Berry, Bevans, Bowen, Brace, Burnside, Chamberlain, Horace Chase, Warren Chase, Clark, Coxe, Crawford, Cruson, Dickinson, Elmore, Fitzgerald, Fuller, Goodell, Goodrich, Goodsell, Graham, Gray, Green, Geo. B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Holcomb, George Hyer, Inman, Janssen, Jenkins, Judd, Lovell, Madden, Parkinson, Parsons, Mr. President, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewell Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Wakely, White, Whiteside and Willard—55.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Hiram Brown, Burchard, Burt, Carter, Clothier, Combs, Cooper, Dennis, Doty, Drake, Dunning, Gibson, Giddings, Gillmore, Granger, Hackett, James H. Hall, Heubschmann, Hunkins, N. F. Hyer, Kellogg, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Prentiss, Randall, Reed, Seaver, Wm. R. Smith, Toland, Topping, Turner, Tweedy, Vliet and Wilson—48.

No. 2. Resolution relative to colored suffrage was read the third time,

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Beall, Bell, Berry, Bowker, Boyd, Burchard, Carter, Horace Chase, Warren Chase, Cooper, Dennis, Dickinson, Doty, Drake, Elmore, Gibson, Giddings, Goodell, Graham, Granger, Hackett, Geo. B. Hall, James H. Hall, Hazen, Hesk, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Lovell, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Prentiss, Randall, Reed, Seaver, Sewall Smith, Topping, Turner, Tweedy, Vineyard, Wakely and Wilson—53.

Those who voted in the negative were,

Messrs. Baird, Bennett, Bevans, Bowen, Brace, Hiram Brown, Burnside, Burt, Chamberlain, Clark, Clothier, Combs, Coxe, Crawford, Cruson, Dunning, Fitzgerald, Gillmore, Goodrich, Goodsell, Gray, Hammond, Harkin, Hicks, Holcomb, Inman, Jenkins, Joseph

Kinney, Molden, Magone, Meeker, Parkinson, Mr. President, Regan, Ryan, George B. Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall V. Strong, Moses M. Strong, Toland, Vliet, White, Whiteside and Willard—16.

So the article passed.

Mr. Vineyard gave notice, that on some future day he would move a reconsideration of the vote by which the article on colored suffrage was passed.

Mr. Parks moved that the vote on the passage of said article be reconsidered.

Mr. Gray moved a call of the convention,

Which was ordered.

Moses M. Strong moved that all further proceeding under the call be dispensed with,

Which was agreed to.

Mr Parks by leave, withdrew his motion.

No. 12. "Article on the organization and functions of the judiciary,"

Was taken up,

And the question being on concurring in the amendments of the committee thereto,

And a division of the question having been called for.

And the question having been put on concurring in the first amendment of the committee,

Which was to amend the 16th section by striking out the words, "and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction," and adding the said paragraph to the 2nd section.

It was decided in the affirmative.

The question was then put on concurring in the 2nd amendment of the committee,

Which was to insert between the words "majority" and "shall," in the 5th line of the 4th section, the words "of the judges present," and also to strike out all after the word "decision", in the 6th line of the same section.

And was decided in the affirmative.

The question was then put on concurring in the 3d amendment of the committee,

Which was to strike out of section 7 the word "be" in the fourth line, and insert in lieu thereof the words "have been"; and add to said section as follows, to wit:

"One of said judges shall be designated as chief justice, in such manner as the legislature shall provide."

And was decided in the affirmative.

The question was then put on concurring in the 4th amendment,

Which was to insert between the words "of" and "judge", in the 9th section, the words "a supreme or circuit", and also to insert after the word "judge", in said section, the words "of the supreme or circuit court."

And was decided in the affirmative.

The question having been put.

On concurring in the 5th amendment,

Which was to insert between the words "year" and "preceding", in the 13th section, the word "next," and to strike out the words "the same," where they occur after the word "deposit", and insert in lieu thereof the words "such statement"; and to strike out the word "bond" in the 13th line of said section, and insert the word "security" in lieu thereof; also to insert the word "shall", between the words "and" and "give", in the same line; and also to strike out the word "shall" between the words "he" and "in" in the same line, and insert the word "may" in lieu thereof, and strike out the word "receive", in the same sentence, and insert the word "demand".

It was decided in the affirmative.

The question then being on concurring in the 6th amendment of the committee,

Which was to strike out the 221 section.

Mr. Dennis moved to amend the amendment by adding, and insert as follows:

"Any suitor in any court of this state, shall have the right to prosecute or defend his suit either in his own proper person or by an attorney or agent of his own choice."

And the question having been put.

It was decided in the affirmative.

And a division having been called for.

There were 44 in the affirmative, and 14 in the negative.

The question was then put on concurring in the said amendment as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Boyd, Brace, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Cooper, Dennis, Dickinson, Drake, Elmore, Fuller, Goodrich, Graham, Granger, Hackett, Hazen, Hesk, Heubschmann, Hunkins, George Hyer, Inman, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Magone, Meeker, Moore, Noggle, Patch, Parks, Parsons, Mr. Presi-

dent, Read, Rogan, Seaver, Geo. R. Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall, M. Strong, Topping, Tweedy, Vliet, Wakely, White and Willard—[illegible].

Those who voted in the negative, were

Messrs. Baird, Berry, Warren Chase, Collier, Combs, Crawford, Crosson, Doty, Gibson, Giddings, Gilmore, Goodell, Goodsell, Gray, Geo. R. Hall, Hammond, Hayes, Hicks, Holcomb, N. F. Hyer, Jenkins, Madden, Parkinson, Ryan, A. Hyatt Smith, John Y. Smith, Moses M. Strong and Willard—[illegible].

Mr. Beall moved to amend the 11th section by striking out the word "of" next preceding the words $1500, and insert in lieu thereof the words "not exceeding".

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Beall, Bell, Bennett, Berry, Bowen, Hiram Brown, Burt, Chamberlain, Clothier, Combs, Dennis, Doty, Drake, Dunning, Elmore, Fuller, Gibson, Giddings, Goodell, Granger, Gray, George R. Hall, Hammond, George Hyer, N. F. Hyer, Jenkins, Judd, Kellogg, Moore, O'Connor, Parsons, Seaver, George B. Smith, Sewall Smith, Topping and Turner—[illegible].

Those who voted in the negative, were

Messrs. Atwood, Baird, Baker, Biron, Barber, Boyd, Brace, Horace Chase, Warren Chase, Cooper, Crawford, Dickinson, Goodrich, Goodsell, Graham, Hackett, Harkin, Hayes, Hesk, Hicks, Holcomb, Heubschmann, Inman, Ana Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Noggle, Parkinson, Prentiss, Mr. President, Rogan, Ryan, A. Hyatt Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall, M. Strong, Moses M. Strong, Tweedy, Vliet, Wakeley, White and Willard—45.

Mr. Burt moved to amend the said article by striking out all in the first line of section 17 between the words "be" and "who" and insert the words "appointed a judge by the nomination of the governor and the confirmation of the senate."

And in the 2nd line, strike out the word "chosen" and insert in lieu thereof the word "appointed."

Also strike out the word "elected," where it occurs in the 2nd and 3d lines, and insert the word "appointed".

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baird, Brace, Clothier, Drake, Prentiss, Randall, Marshall M. Strong and Willard—9.

Those who voted in the negative were

Messrs. Baker, Hiram Barber, Beall, Bell, Bennet, Berry, Bowen, Bowker, Boyd, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Horace Chase, Warren Chase, Chapin, Cooper, Cone, Crawford, Cranson, Dennis, Dickinson, Doty, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Hackett, Geo. R. Hall, James H. Hall, Hammond, Harkin, Hazen, Heck, Hicks, Holcomb, Hochschmann, Hopkins, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Kellogg, Ann Kinney, Joseph Kinney, Lovell, Maffen, Magone, Meeker, Morse, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Toland, Topping, Turner, Tweedy, Wise, Wakely, White and Wilson—85.

Mr. Ryan moved that the said article be recommitted to the judiciary committee, with instruction to report an amendment upon the following principles:

1st. The judges of the supreme court to be appointed by the governor, by and with the consent of three fourths of the senate,

2nd. The first five judges to be severally appointed for 1, 2, 3, 4 and 5 years; all appointments to fill vacancies, to be for the unexpired term of the judge vacating the office.

3d. All future appointments to be for five years.

4th. When the term of a judge is about expiring, the governor to notify the senate; whereupon the senate shall take a vote on the continuance of such judge for a new term; if three fourths vote for such continuance, the judge shall so continue in office for another term. If not, the governor shall nominate his successor.

5th. No judge to be eligible to any office, except judicial, for the term for which he is appointed judge.

And pending the question thereon,

On motion of Mr. Tweedy,

The convention took a recess until 3 o'clock, P. M.

Two O'clock, P. M.

No. 13. "Article on the organization and functions of the judiciary," taken up,

And the pending question being the motion of Mr. Ryan, to recommit the said article with instructions,

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baird, Brace, Clothier, Drake, Elmore, Hackett, Hunkins, Geo. Hyer, Kellogg, Prentiss, Randall, Rogan, Ryan, Marshall M. Strong, Moses M. Strong, Tweedy, Vliet and Willard—20.

Those who voted in the negative, were

Messrs. Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Biram Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Horace Chase, Warren Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Dunning, Fitzgerald, Fuller, Gibson, Giddings, Goodell, Goodrich, Goodsell, Graham. Granger, Gray, Geo. B. Hall, James H. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Holcomb, Heubschmann, N. F. Hyer, Inmann, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Mr. President. Seaver, A. Hyatt Smith, George B. Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Toland, Topping, Turner, Wakely, White, Whitesides and Wilson—78.

Mr. Lovell moved to amend the said article by striking out the 7th section and insert as follows:

"Sec. 7. There shall be chosen by the qualified electors of the state five judges, who shall be judges of the supreme and circuit courts, and shall hold their offices for the term of five years; and until their successors are chosen and qualified: and when elected they shall severally reside in the circuits which shall be designated for them by law."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were

Messrs. Atwood, John M. Babcock, Bennett. Bevans, Bowen, Carter. Dickinson, Goodrich, Hackett, James H. Hall, Harkin, Heubschmann, Jenkins, Kellogg, Lovell. Madden, Noggle, Prentiss, Randall, Rogan, Ryan, A. Hyatt Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Wakeley and Willard—27.

Those who voted in the negative, were

Messrs. Baird, Baker, Hiram Barber, Beall. Bell, Berry, Bowker, Boyd. Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Warren Chase. Clothier, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Gidings, Goodell, Goodsell, Graham, Granger, Gray, George B. Hall, Hammond, Hayes, Hazen, Hesk, Hicks, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, Janssen. Judd, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, O'Connor, Patch, Parks, Parsons, Mr. President, Seaver, George B. Smith, Sewall Smith, William R. Smith, Toand, Topping, Turner, Tweedy, Vliet and Wilson—69.

Mr. Lovell moved to amend by striking out the 12th section of said article.

Which was disagreed to.

The said article was then ordered to be engrossed for its third reading.

No. 17. "Ordinance in relation to the boundaries of Wisconsin,"

Was taken up, when

Mr. Magone moved to reconsider the vote by which the amendment of Moses M. Strong thereto was adopted.

Mr. Baird moved a call of the convention,

Which was ordered,

And Messrs. Hiram Barber. Carter, Coxe, Gilmore, Green, Hesk, Hill, Hunkins, George Hyer, Inman, Madden, Patch, Parsons, Mr. President, Randall, Reed, A. Hyatt Smith, Moses M. Strong and Vineyard, reported absent.

On motion,

Mr. Hill was excused from his attendance.

The sergeant-at-arms was sent for the absentees.

Mr. Hicks moved that all the absentees be excused.

Which was disagreed to.

Mr. Kellogg by leave moved that when the convention adjourn, it adjourn to meet at 6 o'clock P. M.

Which was disagreed to.

Mr. Willard moved that all further proceedings under the call be dispensed with,

Which was disagreed to.

And a division having been called for,

There were 36 in the affirmative, and 43 in the negative.

Several of the absentess having appeared in their seats,

On motion of Asa Kinney,

All further proceedings under the call were dispensed with.

The question then recurred on the motion of Mr. Magone;

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Baker, Hiram Barber, Bell, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Horace Chase, Clothier, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Fitzgerald, Gillmore, Goodrich, Goodsell, Graham, Gray, Hackett, Hammond, Harkin, Hayes, Hesk, Hicks, Heubschmann, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Joseph Kinney, Madden, Magone, Meeker, Moore, Noggle, Parkinson, Parsons, Mr. President, Randall, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Toland, Topping, Turner, Vineyard, Vliet, Wakely, White, Whiteside and Wilson—73.

Those who voted in the negative, were

Messrs. John M. Babcock, Beall, Bennett, Charles E. Brown, Warren Chase, Clark, Dickinson, Elmore, Fuller, Gibson, Giddings, Goodell, Granger, George B. Hall. James H. Hall, Hazen, Holcomb, Hunkins, Kellogg, Asa Kinney, Lovell, O'Connor, Patch, Parks, Prentiss, George B. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy and Willard—31.

The question then recurred on the adoption of the amendment upon which the vote was reconsidered,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Beall, Bennett, Carter, Warren Chase, Elmore, Fuller, Gibson, Giddings, Goodell, Hackett, George B. Hall, James H. Hall, Harkin, Hayes, Hazen, Holcomb, Heubschmann, Hunkins, Kellogg, Asa Kinney, Lovell, Magone, O'Connor, Patch, Parks, Prentiss, Randall, George B. Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Tweedy, Vineyard, Wakeley and Willard—35.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Barnes Babcock, Baird, Baker, Hiram Barber, Bell, Berry, Bevans, Bowen, Boyd, Brace, Charles E.

Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Clark, Clothier, Cooper, Coxe, Crawford, Cruson. Dennis, Dickinson, Doty, Drake, Dunning, Fitzgerald, Gilmore, Goodrich, Goodsell, Graham, Granger, Gray, Hammond, Hesk, Hicks, George Hyer, N. F. Hyer, Inman, Janssen, Jenkins, Judd, Joseph Kinney, Madden, Meeker, Moore, Noggle, Parkinson, Parsons, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Soper, Toland, Topping, Turner, Vliet, White, Whiteside and Wilson—68.

Mr. Hunkins moved that the vote by which the convention rejected the motion of Mr. Ryan to re-commit be reconsidered.

And pending the question on said motion,

On motion of Mr. Gray,

The convention adjourned until 7 o'clock P. M.

SEVEN O'CLCCK, P. M.

The question was put on the motion of Mr. Hunkins, to reconsider the vote by which the convention rejected the motion of Mr. Ryan to reconsider.

And was decided in the negative.

Marshall M. Strong moved to amend by striking out the proviso to the 1st section,

Which was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Boyd, Brace, Warren Chase, Clothier, Graham, Hackett, Hammond, Heubschmann, Hunkins, George Hyer, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Patch, Parks, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakeley and Willard—33.

Those who voted in the negative, were

Messrs. Baird, Hiram Barber, Beall, Bennett, Bevans, Bowen, Hiram Brown, Beall, Bennett, Bevans, Bowen, Hiram Brown, Burchard,

Burnside, Burt, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Granger, Gray, George P. Hall, James H. Hall, Hayes, Hazen, Hicks, Holcomb, N. F. Hyer, Janssen, Jenkins, Judd, Magone, Meeker, Moore, Noggle, O'Connor, Parkinson, Parsons, Prentiss, Randall, Seaver, George B. Smith, Wm. R. Smith, Toland, Topping, Vliet, White and Wilson—56.

Moses M. Strong moved to amend by adding the following to the proviso in the 1st section:

"Provided further, that if Congress does not consent to the admission of Wisconsin into the Union with the aforesaid proviso, then it is hereby ordained and declared, that the state of Wisconsin "doth consent to and accept of the boundaries" prescribed in the aforesaid act of Congress, without condition or reservation."

And the question having been put on said amendment,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Hiram Barber, Bell, Boyd, Brace, Charles E. Brown, Burnside, Warren Chase, Clothier, Dunning, Fuller, Goosdell, Graham, Granger, Hackett, James H. Hall, Hammond, Harkin, Hayes, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, O'Connor, Patch, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Topping, Turner, Tweedy, Wakely and Willard—47.

Those who voted in the negative, were

Messrs. Baird, Beall, Bennett, Bevans, Bowen, Hiram Brown, Burchard, Burt Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Gibson, Giddings, Gillmore, Goodell, Goodrich, Gray, George B. Hall, Hazen, Hesk, Hicks, Janssen, Jenkins, Judd, MaGone, Meeker, Moore, Noggle, Parkinson, Parks, Prentiss, Randall, Seaver, Geo. B. Smith, William R. Smith, Toland, Vliet, White and Wilson—46.

Mr. Ryan moved to amend the first section, by striking out the whole proviso.

Which was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Baker, Hiram Barber, Bell, Boyd, Brace, Charles E. Brown, Warren Chase, Cooper, Crawford, Dickinson, Fitzgerald, Fuller, Goodsell, Graham, Granger, Hackett, James H. Hall, Hammond, Harkin, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden,

Patch, Parks, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith' Sewell Smith, John Y Smith, Soper, Marshall M. Strong. Moses M. Strong, Turner, Tweedy, Wakely, White and Willard—47.

Those who voted in the negative were,

Messrs, Beall, Bennett, Bevans, Bowen, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Clothier, Coxe, Cruson, Dennis, Doty, Drake, Dunning, Gibson, Giddings, Gillmore, Goodell, Goodrich, Gray, George B. Hall, Hayes, Hazen, Hesk, Hicks, Holcomb, Janssen, Jenkins, Judd, Magone, Meeker, Moore, Noggle, Parkinson, Parsons, Randall, Seaver, Geo. B. Smith, William R. Smith, Toland, Vliet and Willard—45.

Moses M. Strong moved further to amend said article by striking out the second section.

Wm. R. Smith moved to amend the second section. by striking out of the 4th and 5th lines of the printed bill, the words "unless Congress shall assent to the boundaries as herein claimed."

Which was decided in the affirmative.

Mr. Burnside gave notice that he would move a reconsideration of the vote by which the proviso of Moses M. Strong, added to the proviso in the first section, was adopted.

The question was then put on the motion of Moses M. Strong, to strike out the second section,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Hiram Barber, Bell, Bowker, Boyd, Chas. E. Brown, Warren Chase, Clothier, Fuller, Goodsell, Graham, Granger, Hackett, Hammond, Holcomb, Heubschmann, Geo. Hyer, N. F. Hyer, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Patch, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakeley and Willard—39.

Those who voted in the negative, were

Messrs. Baird, Beall, Bennett, Bevans, Bowen, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Fitzgerald, Gibson, Giddings, Gilmore, Goodell, Goodrich, Gray, George B, Hall, James H. Hall, Hayes, Hazen, Hesk, Hicks, Hunkins, Janssen, Jenkins, Judd, Magone, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Parsons, Prentiss, Randall, Seaver, Geo. B. Smith, Wm. R. Smith, Toland, Vliet, White and Wilson—52.

James H. Hall asked leave of absence for himself.

Leave was granted.

On motion of Mr. Dennis,

The convention adjourned.

TUESDAY, December 1, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

The resolution introduced by Mr. Judd on the 23rd inst., relative to discharging the committee on revision from the further consideration of the article on banks and banking,

Was taken up; when

Mr. Judd moved to amend the same by striking out the words "Monday next," and insert the words "Tuesday the 3rd December."

Moses M. Strong moved that the said resolution be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baird, Berry, Bowen, Brace, Hiram Brown, Burnside, Horace Chase, Coxe, Cruson, Dickinson, Dunning, Elmore, Fitzgerald. Goodrich, Goodsell, Gray, Harkin, Hayes, Hicks, Holcomb, Geo. Hyer, Inman, Jenkins, Asa Kinney, Lovell, Madden, Patch, Parkinson, Parsons, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Wakeley, White, Whiteside and Willard—43.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bowker, Boyd, Charles E. Brown, Burchard, Burt, Chamberlain, Warren Chase, Clothier, Cooper, Crawford, Dennis, Doty, Drake, Fuller, Gibson, Giddings, Gillmore, Goodell, Granger, Hackett, George B. Hall, Hazen, Hesk, Heubschmann, Hunkins, N. F. Hyer,

Janssen, Judd, Kellogg, Joseph Kinney, Magone, Meeker, Noggle, O'Connor, Parks, Prentiss, Randall, Reed, Seaver, William R. Smith, Toland, Topping, Turner, Vliet and Wilson—51.

Moses M. Strong moved that the further consideration of the said resolution be postponed until the committee on revision shall have made their report.

Which was agreed to.

Mr. Vliet introduced the following resolution, which was read, to wit:

"Resolved, That this convention adjourn on Tuesday the eighth inst."

The resolution introduced by Nathaniel F. Hyer on the 24th inst., relative to a construction of the rules;

Was taken up; when

Moses M. Strong moved that the same be laid upon the table.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Bennett, Berry, Bevans, Bowen, Brace, Burnside, Warren Chase, Clark, Cruson, Dickinson, Elmore, Gibson, Giddings, Goodrich, Goodsell, Graham, Gray, Hammond, Harkin, Hayes, Hazen, Hicks, Holcomb, George Hyer, Inman, Jenkins, Lovell, Madden, Parkinson, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Wakely, White, Whiteside and Willard—44.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burt, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Fitzgerald, Fuller, Gillmore, Goodell, Granger, Hackett, Geo. B. Hall, Hesk, Heubschmann, Hunkins, N. F. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Prentiss, Randall, Reed, Seaver, Wm. R. Smith, Toland, Topping, Turner, Tweedy, Vliet and Wilson—56.

Mr. Kellogg moved that the further consideration of the said resolution be postponed until the committee on revision shall have made their report.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Bennett, Berry, Bevans, Bowen, Brace,

Hiram Brown, Burnside, Burt, Chamberlain, Clark, Clothier, Coxe, Cruson, Dickinson, Dunning, Elmore, Gibson, Giddings, Gillmore, Goodrich, Goodsell, Graham, Gray, Hackett, Hammond, Harkin, Hayes, Hazen, Hicks, Holcomb, Inman, Jenkins, Kellogg, Lovell, Madden, Patch, Parkinson, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Wakely, White, Whiteside and Willard—53.

Those who voted in the negative, were

Messrs. John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Charles E. Brown, Burchard, Horace Chase, Warren Chase, Cooper, Crawford, Dennis, Doty, Drake, Fitzgerald, Fuller, Goodell, Granger, Geo. B. Hall, Hesk, Heubschmann, Hunkins, N. F. Hyer, Janssen, Judd, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Parks, Parsons, Prentiss, Randall, Reed, Seaver, Wm. R. Smith, Toland, Topping, Turner, Vhet and Wilson—46.

No. 17. "Article on the name and boundaries of the state,"

Was taken up, when

Mr. Doty moved to amend the said article by adding the following proviso, to wit:

"Provided, however, That the admission of this state into the Union according to the boundaries as above described, shall not in any manner affect or prejudice the right of this state to the boundaries which were "fixed and established" for the fifth division or State of the Northwestern Territory in and by the fifth article of compact in the ordinance of Congress for the government of the Territory northwest of the river Ohio, passed July 13, 1787, and by an act to divide the Indiana Territory into two separate governments, approved the eleventh day of January, 1805, and by the admission of the States of Ohio, Indiana, Illinois and Michigan into the Union, which said boundaries are as follows, to wit: on the south, by a west line drawn through the southerly bend or extreme of Lake Michigan to the Mississippi river; on the west by the Mississippi river, from the point where the said line intersects the middle of said river to its source, and thence due north to the forty-ninth parallel of latitude; on the east by a line drawn from the said southerly bend of Lake Michigan through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States; and on the north by the said northern boundary."

Moses M. Strong raised a question of order, as follows:

"Can the convention entertain this amendment, it being the same proviso stricken out by vote of the convention?"

The president decided the amendment to be in order, as the proviso, when stricken out, had been amended.

Moses M. Strong appealed from the decision of the president.

And the question having been put,

"Shall the decision of the president stand as the judgment of the convention?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative were,

Messrs. John M. Babcock, Baird, Baker, Beall, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Horace Chase, Clothier, Combs, Cooper, Coxe, Crawford, Dennis, Doty, Drake, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Granger, Gray, Hazen, Hesk, Heubschmann, N. F. Hyer, Janssen, Jenkins, Judd, Magone, Meeker, Moore, Noggle, O'Connor, Parkinson, Parsons, Randall, Seaver, George B. Smith, Wm. R. Smith, Toland, Topping, Vliet and Wilson—54.

Those who voted in the negative, were

Messrs. Hiram Barber, Bevans, Brace, Hiram Brown, Burt, Chamberlain, Warren Chase, Cruson, Dunning, Goodsell, Hackett, George B. Hall, Hammond, Harkin, Hicks, Holcomb, Hunkins, Inman, Kellogg, Asa Kinney, Lovell, Madden, Patch, Parks, Prentiss, Reed, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakeley, White, Whiteside and Willard—39.

Hiram Barber moved to amend the amendment of Mr. Doty, by inserting between the words "boundaries," and "which," in the 18th line of the amendment, the words "on the south," and strike out all after the words "Mississippi river," in the 24th line.

And pending the question thereon,

On motion of Mr. Willard,

The convention took a recess until 2 o'clock, P. M.

Two O'Clock, P. M.

No. 17. "Article on name and boundaries of the State,"

Was taken up;

And the pending question thereon being on adopting the amendment of Hiram Barber to to the amendment offered by Mr Doty,

And the question having been put,

It was decided in the negative.

Moses M. Strong moved to amend the amendment by striking out the following words, to wit: "the admission of this State into the Union according to the boundaries above described," and insert the following: "Congress be requested to provide by law, that the acceptance of the aforesaid boundaries and admission of said state."

And the question having been put,

It was decided in the affirmative.

And a division having been called for,

There were 37 in the affirmative,

And 34 in the negative.

The question was then put on adopting the said amendment as amended,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Bell, Bennett, Bowen, Brace, Hiram Brown, Burchard, Burnside, Horace Chase, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goodsell, Gray, Geo B. Hall, Hazen, Hesk, Janssen, Jenkins, Judd, Magone, Noggle, Parkinson, Parsons, Seaver, Marshall M. Strong, Topping, Turner, White and Willard—39.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Hiram Barber, Beall, Berry, Bowker, Boyd, Charles E. Brown, Chamberlain, Warren Chase, Clothier, Cooper, Fuller, Graham, Hackett, Hammond, Hicks, Holcomb, Heubschmann, N. F. Hyer, Inman, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Moore, Parks, Mr. President, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Moses M. Strong, Tweedy, Vliet, Wakely and Wilson—44.

Mr. Holcomb moved to amend the said article by adding to the first section the following proviso, to wit:

"Provided, however, That the following alteration of the aforesaid boundary be and hereby is proposed to the Congress of the United States as the preference of the State of Wisconsin, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz: leaving the aforesaid boundary line in the middle of Lake Superior opposite the mouth of the Burnt Wood River, from thence through said mouth of the Burnt Wood River, on a direct line southwardly to the head or most northwesterly bend or the head of Lake Pepin, to the channel of the Mississippi river; thence down the centre of said Lake Pepin and channel of the Mississippi river, as prescribed in the aforesaid boundary."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. Atwood, Hiram Barber, Beall, Bell, Warren Chase, Clothier, Fuller, Giddings, Goodell, Goodsell, Graham, Hackett, Harkin, Hayes, Holcomb, Heubschmann, Hunkins, Judd, Kellogg, Asa Kinney, Lovell, O'Connor, Patch, Randall, Seaver, Geo. B. Smith, Sewall Smith, John Y. Smith, Topping and Vliet—30.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Baker, Bennett, Berry, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnside, Burt, Chamberlain, Horace Chase, Cooper, Crawford, Cruson, Dennis, Dickinson, Doty, Dunning. Fitzgerald, Gibson, Gilmore, Goodrich, Gray, Geo. B. Hall, Hammond, Hazen, Hesk, Hicks, N. F. Hyer, Inman, Janssen, Jenkins, Joseph Kinney, Madden, Magone, Meeker, Moore, Noggle, Parkinson, Parks, Parsons, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Wakely, White, Willard and Wilson—61.

Horace Chase moved to amend the said article by striking out all after the words "Lake Superior," in the 12th line of the printed bill, to the word "thence," in the 15th line, and insert the words, "where it intersects the 47th degree of north latitude: thence west until said line intersects the Mississippi river."

Which was disagreed to.

Mr. Hicks moved to amend the said article by striking out all after the word "Wisconsin," in the first line of the 1st section, and insert the words "does hereby consent to and declare the boundaries for the State of Wisconsin, to be as established for the 5th division or state of the Northwest Territory, in and by the fifth article of compact

in the ordinance of Congress for the government of the Territory northwest of the river Ohio, passed July 13, 1787."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Berry, Brace, Burchard, Horace Chase, Crawford, Cruson, Dennis, Doty, Fitzgerald, Gibson, Giddings, Gilmore, Goodell, Goodrich, Goodsell, Graham, Gray, Geo. B. Hall, Hayes, Hesk, Hicks, Holcomb, Janssen, Jenkins, Noggle, Parkinson, White and Wilson—29.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burnside, Chamberlain, Warren Chase, Clothier, Dickinson, Dunning, Fuller, Hackett, Hammond, Harkin, Heubschmann, Hunkins, N. F. Hyer, Inman, Judd, Kellogg, Asa Kinney, J. Kinney, Lovell, Madden, Meeker, Moore, O'Connor, Patch, Parks, Parsons, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, G. B. Smith, S. Smith, J. Y. Smith, Wm. R Smith. Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vineyard, Vliet, Wakely and Willard —56.

Marshall M Strong moved to amend the said article by striking out the 2nd section, and all of the first section after the words "August 6th, 1846"

William R. Smith raised a question of order, as follows:

"Can a motion be made to strike out the 2nd section, by connecting it with a portion of the first section, the convention on yesterday having refused to strike out the second section?"

The president decided the amendment to be in order.

From which decision,

William R. Smith took an appeal.

And the question having been put,

"Shall the decision of the president stand as the judgment of the convention?"

It was decided in the affirmative.

And a division having been called for,

There were 44 in the affirmative,

And 18 in the negative.

Mr. Parks moved a call of the convention,

Which was ordered.

And Messrs. Bennett, Berry, Bowen, Brace, Burnside, Clark, Combs, Elmore, Fitzgerald, Gibson, Geoge Hyer, Joseph Kinney, Mills, Randall and Whiteside reported absent.

On motion,

Messrs. George Hyer and Mills were excused from their attendance.

Several of the absentees having appeared in their seats,

Mr. Cruson moved that all further proceedings under the call be dispensed with.

Which was agreed to.

Asa Kinney moved the previous question;

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on adopting the amendment of Marshall M. Strong,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Carter, Warren Chase, Clothier, Dickinson, Elmore, Hackett, Hammond, Harkin, Hayes, Hicks, Heubschmann, Hunkins, Inmann, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Patch, Parks, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Tweedy, Vineyard, Wakely, Whiteside and Willard—38.

Those who voted in the negative, were

Messrs. Baird, Hiram Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, Geo. B. Hall, Hazen, Hesk, Holcomb, N. F. Hyer, Janssen, Jenkins, Judd, Magone, Meeker, Moore, Noggle, O'Connor, Parkinson, Parsons, Prentiss, Randall, Seaver, George B. Smith, Wm. R. Smith, Toland, Topping, Turner, Vliet, White and Wilson—63.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Hiram Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Brace, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Horace Chase, Warren Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake,

Dunning, Fitzgerald, Gibson, Giddings, Gilmore, Goodrich, Goodsell, Graham, Granger, Gray, Green, Hackett, George B. Hall, Harkin, Hayes, Hazen, Hicks, Inman, Janssen, Jenkins, Judd, Kellogg, Magone, Meeker, Moore, Noggle, O'Connor, Patch, Parkinson, Parsons, Prentiss, Mr. President, Seaver, George B. Smith, William R. Smith, Soper, Toland, Topping, Viet, White and Wi son—68.

Those who voted in the negative, were

Messrs. John M. Babcock, Boyd, Clothier, Elmore, Goodell, Hammond, Hesk, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Asa Kinney, Joseph Kinney, Lovell, Madden, Parks, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakeley, Whiteside and Willard—31.

Warren Chase asked that leave of absence be granted him.

Leave was granted.

Mr. Whiteside asked that leave of absence be granted him.

Leave was granted.

On motion of Mr. Magone,

The convention adjourned.

WEDNESDAY, December 2, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read.

A. Hyatt Smith, from the select committee of eleven, to whom had been referred

No. 10. "Article on the constitution and organization of the legislature."

Reported the same back with amendments.

Marshall M. Strong, from the committee on engrossment, reported,

Articles Nos. 13 and 17 as correctly engrossed.

Mr. Lovell introduced the following resolution, which was read, to wit:

"Resolved, That the following section shall be adopted into, and form a part of the constitution of the state of Wisconsin:

Sec. 1. The boundaries of the state of Wisconsin shall be and remain as follows, to wit:

"Beginning at the north east corner of the state of Illinois, that is to say, at a point in the centre of Lake Michigan where the line of forty two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the state of Michigan through lake Michigan and Green Bay to the mouth of the Menomonee river; thence up the channel of said river to the Brule river, thence up said last mentioned river to lake Brule; thence along the southern shore of lake Brule in a direct line to the centre of the channel between middle and south islands in the lake of the desert; thence in a direct line to the head waters of Montreal river, as marked upon the survey made by Captain Cram; thence down the main channel of Montreal river to the middle of lake Superior; thence through the centre of lake Superior to the mouth of St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollett's map; thence due south to the main branch of the St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the northwest corner of the state of Illinois; thence due east with the northern boundary of the state of Illinois to the place of beginning, as established by "an act to enable the people of Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states." Approved April eighteen, eighteen hundred and eighteen; and the state of Wisconsin doth consent to and accept of the boundaries above mentioned, and declare the same to be irrevocable without the consent of Congress."

Mr. Rogan introduced the following resolution, which was read, to wit:

"Resolved, That a committee of five (of which the President shall be chairman ex-officio) be appointed to prepare an address to the people, to be published in the same manner, and at the same time with the constitution."

The resolution introduced by Wm. R. Smith on the 27th Nov., relative to printing the journals,

Was taken up; when

On motion of Wm. R. Smith,

The same was passed over informally.

The resolution introduced by Mr. Reed on the 30th November, relative to the article on banks and banking,

Was taken up, when

Mr. Gray moved that the same be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baird, Hiram Barber, J. Allen Barber, Bennett, Berry, Bevans, Bowen, Brace, Hiram Brown, Burnside, Burt, Chamberlain, Clark, Crawford, Dickinson, Dunning, Elmore, Gilmore, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, Hammond, Harkin, Hayes, Hazen, Holcomb, Inman, James, Jenkins, Kellogg, Lovell, Madden, Patch, Parsons, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Vineyard, Wakely, White and Willard—51.

Those who voted in the negative, were

Messrs. Baker, Beall, Bell, Bowker, Boyd, Charles E. Brown, Burchard, Horace Chase, Clothier, Combs, Cooper, Coxe, Dennis, Doty, Fitzgerald, Fuller, Gibson, Giddings, Hackett, George B. Hall, Hesk, Hicks, Heubschmann, Hunkins, Janssen, Judd, Asa Kinney, Joseph Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Parks, Mr. President, Randall, Reed, Seaver, Wm. R. Smith, Toland, Topping, Turner, Tweedy, Vliet and Wilson—45.

The resolution introduced by Mr. Vliet, on yesterday, relative to an adjournment,

Was taken up, when

Mr. Reed moved that the same be laid upon the table,

Which was agreed to,

The resolution introduced by Mr. Kellogg on the 30th November, relative to the article on banks and banking,

Was taken up; when

Mr. Parks moved that the same be laid upon the table.

Which was agreed to,

The resolution introduced by Mr. Burt, on the 27th November, relative to prohibiting the legislature from appropriating money for clerical services,

Was taken up, when

Mr. Kellogg moved that the same be laid upon the table.

And pending the question thereon,

The morning hour expired.

No. 11. "Article relative to the act of Congress for the admission of the state,"

Was read the third time; when

Mr. Hicks moved that the further consideration thereof be postponed until the final consideration of

Article No. 17.

Which was disagreed to.

And a division having been called for,

There were 25 in the affirmative,

Negative not counted.

Mr. Bevans moved that the further consideration thereof be postponed until Friday next,

And pending the question thereon,

Moses M. Strong moved the previous question.

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Berry, Boyd, Brace, Clothier, Combs, Dickinson, Dunning, Elmore, Gibson, Goodsell, Hackett, Hammond, Harkin, Holcomb, Hunkins, George Hyer. N. F. Hyer, Inman, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Moore, O'Connor, Patch, Parks, Prentiss, Mr. President, Reed, Ryan, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vliet, Willard and Wilson—50.

Those who voted in the negative were,

Messrs. J. Allen Barber, Bevans, Bowker, Charles E. Brown, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Fitzgerald, Fuller, Giddings, Gilmore, Goodell, Goodrich, Graham, Granger, Gray, Green. Geo. B. Hall, Hayes, Hazen, Hesk, Hicks, Heubschmann, James, Janssen, Jenkins, Judd, Magone, Mills, Noggle, Parkinson, Parsons, Rogan, Seaver, Toland, Topping and White—47.

The question was then put on the passage of the said article,

And was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Boyd, Charles E. Brown, Chamberlain, Clothier, Combs, Dennis, Dickinson, Dunning, Elmore, Gibson, Goodsell, Graham, Granger, Hackett, Hammond, Harkin, Hazen, Heubschmann, Hunkins, N. F. Hyer, Inman, James, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Mills, Moore, Patch, Parks, Prentiss, Mr. President, Reed, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Vliet, Willard and Wilson—59.

Those who voted in the negative were,

Messrs. J. Allen Barber, Bevans, Bowen, Bowker, Brace, Hiram Brown, Burchard, Burnside, Burt, Horace Chase, Cooper, Coxe, Crawford, Cruson, Doty, Drake, Fitzgerald, Fuller, Giddings, Gillmore, Goodell, Goodrich, Gray, Green, George B. Hall, Hayes, Hesk, Hicks, Holcomb, Geo. Hyer, Janssen, Jenkins, Magone, Noggle, O'Connor, Parkinson, Parsons, Rogan, Seaver, Topping and White—41.

So the article passed,

And the title thereof was agreed to.

No. 13. "Article on the organization and functions of the judiciary,"

Was then read the third time, when

Mr. Baker asked and obtained the unanimous consent of the convention to amend the 26th section, by striking out the words "territory or."

The question was then put on the passage of the said article,

And was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Combs, Cooper, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Goodsell, Graham, Granger, Gray, Green, Hackett, George B. Hall, Hammond, Harkin, Hazen, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Kellogg, Asa Kinney, Joseph Kinney, Madden, Magone, Meeker, Mills, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Mr. President, Reed, Rogan, Seaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Topping, Turner, Vliet, Wakeley, White and Wilson—86.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Clothier, Coxe, Crawford, Elmore, Geo. Hyer, Prentiss, Randall, Ryan, Moses M. Strong, Tweedy and Willard—13.

No. 17. "Article on the name and boundaries of the state,"

Was read the third time, when

Mr. Baird moved that the vote ordering the said article to be engrossed for its third reading, be reconsidered.

And pending the question thereon,

On motion of Asa Kinney,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No. 17,

Was again taken up,

And the pending question thereon being the

Motion of Mr. Baird to reconsider,

Mr. Reed moved a call of the convention,

Which was seconded.

And Messrs. Baker, Hiram Barber, J. Allen Barber, Bell, Bowker, Boyd, Combs, Goodrich, Goodsell, Granger, Hayes, Hill, O'Connor, Seaver, Geo. B. Smith and Topping reported absent.

Mr. Noggle moved that all further proceeding under the call be dispensed with.

Which was agreed to.

And a division having been called for,

There were 49 in the affirmative,

Negative not counted.

The question then recurred on the motion of Mr. Baird, to reconsider the vote on ordering the said article to be engrossed,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baird, Baker, Beall, Bennett, Berry, Bevans, Bowen, Brace, Charles E. Brown, Hiram Brown, Burnside, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Cruson, Dennis, Dickinson, Dunning, Fitzgerald, Fuller, Gibson, Goodrich, Graham, Green, George B. Hall, Hammond, Hazen, Hesk, Hicks, Holcomb, Heubsch-

mann, Janssen, Jenkins, Judd, Kellogg, Meeker, Mills, Moore, Noggle, O'Connor, Parkinson, Parsons, Prentiss, Seaver, Soper, Vliet, White and Wilson—51.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Hiram Barber, Bell, Burt, Clothier, Crawford, Doty, Drake, Elmore, Giddings, Gillmore, Goodell, Gray, Hackett, Harkin, Hunkins, George Hyer, N. F. Hyer, Inman, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Patch, Parks, Mr President, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y Smith, William R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Vineyard, Wakely and Willard—44

Mr. Parks moved that the said article be referred to a select committee of five.

Mr. Hicks moved to amend the motion by striking out the words "a select committee of five," and insert in lieu thereof, the words "the committee of the whole."

Moses M. Strong moved to amend by adding "with instructions to report as follows, to wit;"

ORDINANCE

IN RELATION TO THE BOUNDARIES OF WISCONSIN.

Sec. 1. It is hereby ordained and declared that the state of Wisconsin doth consent to and accept of the boundaries prescribed in the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union." Approved August 6, 1846. Which boundaries are as follows: "Beginning at the north east corner of the state of Illinois, that is to say, at a point in the centre of Lake Michigan where the line of forty two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the state of Michigan through lake Michigan and Green Bay to the mouth of the Menomonee river; thence up the channel of said river to the Brule river,

thence up said last mentioned river to lake Brule; thence along the southern shore of lake Brule in a direct line to the centre of the channel between middle and south islands in the lake of the Desert; thence in a direct line to the head waters of Montreal river, as marked upon the survey made by Captain Cram; thence down the main channel of Montreal river to the middle of lake Superior; thence through the centre of lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollett's map; thence due south to the main branch of the St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the northwest corner of the state of Illinois; thence due east with the northern boundary of the state of Illinois to the place of beginning, as established by "an act to enable the people of Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states." Approved April eighteen, eighteen hundred and eighteen.

Sec. 2. This ordinance is hereby declared to be irrevocable without the consent of the United States and of this state."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Bowen, Boyd, Charles E. Brown, Carter, Clothier, Coxe, Dickinson, Dunning, Elmore, Graham, Granger, Green, Hackett, Hammond, Harkin, Heubschmann, Hurlkins, Inman, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Patch, Parks, Parsons, Mr. President, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewa'l Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakely and Willard—48.

Those who voted in the negative, were

Messrs. Baird, J. Allen Barber, Beall, Berry, Bevans, Brace, Hiram Brown, Burchard, Burnside, Burt, Chamberlain, Horace Chase, Clark, Cooper, Crawford, Cruson, Dennis, Doty, Drake, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Goosdell, Gray, George B. Hall, Hazen, Hesk, Hicks, Holcomb, Geo. Hyer, N. F. Hyer, James, Janssen, Jenkins, Judd, MaGone, Meeker, Mills, Moore, Noggle, O'Connor, Parkinson, Prentiss, Randall, Geo. B. Smith, William R. Smith, Toland, Vliet, White and Wilson—54.

Moses M Strong moved to amend the amendment by adding, "with instructions to strike out all after the words "state of Wisconsin," and insert, "refuses to consent to and accept of the boundaries prescribrd in the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union." Approved Augus 6, 1846.

And it is further hereby ordained and declared that the boundaries of the state of Wisconsin shall be as follows, viz:

On the south, a line drawn east and west through the most southerly bend or extreme of lake Michigan; on the west, the centre of the main channel of the Mississippi river and a line running north from the source of the said river; on the north, the boundary line between the United States and the possessions of her Britanic majesty; on the east, a line running north and south through the centre of lake Michigan.

Sec. 2. This ordinance is hereby declared to be irrevocable without the consent of the United States, and of the state of Wisconsin.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Brace, Burchard, Clark, Giddings, Goodsell, Graham, Gray, Holcomb, Janssen, Jenkins, Noggle, Patch, Parks, Parsons, Reed, Rogan, George B. Smith, Moses M. Strong, Vineyard and Willard—20.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Berry, Bevans, Bowen, Boyd, Charles E. Brown, Hiram Brown, Burnside, Burt, Carter, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Gillmore, Goodell, Goodrich, Granger, Green, Hackett, Hammond, Harkin, Hazen, Hesk, Hicks, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mills, Moore, O'Connor, Parkinson, Prentiss, Mr. President, Randall, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Turner, Tweedy, Vliet, Wakeley, White and Wilson—80.

The question then recurred on the amendment of Mr. Hicks;

And having been put,

It was decided in the affirmative,

And a division having been called for,

There were 54 in the affirmative,

Negative not counted.

The question then recurred on the motion of Mr. Parks, as amended,

And was decided in the affirmative.

The report of the select committee of eleven, to whom had been referred,

No. 10. "Article on the constitution and organization of the legislature,"

Was taken up, when

Mr. Ryan moved that the consideration thereof be postponed, and that the same and accompanying documents be printed.

Which was agreed to.

And a division having been called for,

There were 54 in the affirmative,

Negative not counted.

The convention then resolved itself into committee of the whole, for the consideration of,

No. 31. "Article on education, schools and school funds."

Mr. Bevans in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported progress thereon,

And asked leave to sit again.

Leave was granted.

On motion of Mr. Moore

The convention took a recess until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

Mr. Dennis, by leave, introduced the following resolution, to wit:

"Resolved, that the President be and he is hereby authorized to issue a certificate to each member of this convention, who has attended the same, for per diem, from the fifth day of October last, to the day of adjournment inclusive; said certificates to bear interest at the rate of per cent until paid. And the treasurer of the Territory is hereby authorized and required to pay the amount of said certificates and interest."

And the rules having been first suspended for the consideration of said resolution,

A. Hyatt Smith moved to amend the same by striking out the words "said certificates to bear interest at the rate of per cent until paid."

Mr. Elmore moved that said resolution be laid upon the table,

Which was disagreed to.

Mr. Hunkins moved that the consideration of said resolution be postponed until the committee on revision shall have made their report.

Which was agreed to.

The convention resolved itself into committee of the whole, for the consideration of

Article No. 31.

Mr. Bevans in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported progress on said article,

And asked leave to sit again.

Leave was granted.

On motion of Meeker,

The convention adjourned.

THURSDAY, December 3, 1846.

Prayer by the Rev. Mr. McHugh.

The journal of yesterday was read.

Horace Chace introduced the following resolution, to wit:

"Resolved, That the doorkeepers be instructed and required to sweep the hall in the evening after the convention adjourns, and that they also be required to dust the chairs and desks before the hour of meeting in the morning"

And the rules having been first suspended for the consideration of said resolution,

Moses M. Strong moved that the same be laid upon the table.

Which was agreed to.

The resolution introduced by Mr. Burt, on Nov. 27, relative to prohibiting the legislature from paying any money for clerical services,

Was taken up, when

Mr. Bevans moved that the same be referred to a select committee of three, of which Mr. Burt should be chairman.

Which was agreed to.

The President announced the appointment of the following committee, to which said resolution was referred, to wit:

Messrs. Burt, John Y. Smith and Kellogg.

Mr. Dennis introduced the following resolution, which was read, to wit:

"Resolved, That there be allowed to Ezra L. Varney and Andrus Vial, one hundred dollars for plastering the Convention Hall, and the Treasurer of the Territory is hereby directed to pay the same; Provided, that at the time the Treasurer pays the foregoing appropriation he shall endorse the same on a contract entered into between the superintendent of territorial property and said Varney and Vial, on the 17th day of August, 1846."

The resolution introduced by Mr. Lovell on the 2nd inst., relative to the boundaries of this state,

Was taken up, when

Moses M. Strong moved that the same be referred to the committee of the whole which shall have under charge the article on the name and boundaries of the state, and that the same be printed.

Which was agreed to.

The resolution introduced by Mr. Vliet on the 1st inst., relative to the adjournment,

Was taken up; when

On motion of Mr. Parks,

The same was laid upon the table.

The resolution introduced by Mr. Rogan on the 2nd inst., relative to preparing an address for the people,

Was taken up; when

On motion of Mr. Ryan,

The further consideration thereof was postponed until the committee on revision shall have made their report.

Mr. Baird asked that leave of absence be granted him after to-day,

Leave was granted.

The convention then resolved itself into committee of the whole, for the consideration of,

No. 31. "Article on education, school and school funds."

Mr. Bevans in the chair.

And after some time spent therein, the committee rose, and by their chairman, reported the said article back with amendments thereto.

The question being on concurring in the amendments of the committee of the whole thereto,

And a division of the question having been called for,

And the question being on concurring in the 1st amendment of the committee, which was to strike out in the first section the words, "The superintendent shall be chosen by the electors of the state once in every two years," and insert, "The state superintendent shall be elected or appointed in such manner, and for such term of office, as the legislature shall direct."

Mr. Graham moved to amend the amendment by striking out the amendment and insert, "The state superintendent, until otherwise provided by law, shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of two years, and until his successor shall be elected or appointed."

And the question having been put,

It was decided in the negative.

And a division having been called for,

There were 28 in the affirmative,

Negative not counted.

The amendment of the committee of the whole as amended was then concurred in.

The question was then put on concurring in the second amendment of the committee, which was to strike out the word "public," in the second line of the second section, and insert in lieu thereof the word "common."

And was decided in the affirmative.

The question having been put on concurring in the 3d amendment of the committee, which was to insert after the word "purposes," in the 4th line of the second section, the words "except the lands heretofore granted for the purposes of a University."

It was decided in the affirmative,

The question having been put on concurring in the 4th amendment of the committee, which was to strike out all after the word "children," in the 10th line, of the 2nd section, and insert "who shall reside in the same, between the age of five and sixteen years inclusive."

It was decided in the affirmative.

The question was then put on concurring in the 5th amendment of the committee, which was to add to section 2nd, "until a university shall be established, the nett income of the university lands shall be appropriated to the support of normal schools."

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Clothier, Combs, Dickinson, Elmore, Fitzgerald, Fuller, Graham, Gray, Hackett, Geo. B. Hall, Hammond, Harkin, Hunkins, George Hyer, Inmann, Jenkins, Judd, Kellogg, Asa Kinney, Lovell, Madden, Moore, Noggle, Patch, Parkinson, Parsons, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, Soper, Moses M. Strong, Toland, Topping, Tweedy, Vineyard, Wakely and Wilson—48.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Brace, Hiram Brown, Burchard, Burt, Chamberlain, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Drake, Dunning, Gibson, Giddings, Gilmore, Goodell, Goodrich, Goodsell, Granger, Hazen, Hesk, Holcomb, Heubschmann, N. F. Hyer, James, Janssen, Joseph Kinney, Magone, Meeker, Mills, O'Connor, Parks, Prentiss, Mr. President, Randall, Reed, Seaver, George B. Smith, John Y. Smith, Wm. R. Smith, Marshall M. Strong, Turner, Vliet, White and Willard—51.

Mr. Magone moved that the vote non-concurring in the 5th amendment of the committee be reconsidered.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Bell, Bennett, Berry, Bevans, Bowker, Boyd,

Charles F. Brown, Hiram Brown, Carter, Chamberlain, Clothier, Elmore, Fitzgerald, Fuller, Goodrich, Graham, Gray, Hackett, Geo. B. Hall, Hammond, Harkin, Hunkins, George Hyer, Inman, Jenkins, Judd, Kellogg, Asa Kinney, Lovel., Madden, Magone, Moore, Noggle, Patch, Parkinson, Parsons, Regan, Ryan, A. Hyatt Smith, Sewall Smith, Soper, Moses M. Strong, Toland, Tweedy, Vineyard, Wakely and Willard—48.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Baker, Hiram Barber, J. Allen Barber, Beall, Bowen, Brace, Burchard, Burt, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Gibson, Giddings, Gilmore, Goodell, Goodsell, Granger, Hazen, Hesk, Hicks, Holcomb, Heubschmann, N. F. Hyer, James, Janssen, Joseph Kinney, Meeker, Mills, O'Connor, Prentiss, Mr. President, Randall, Reed, Seaver, George B. Smith, John Y. Smith, Wm. R. Smith, Marshall M. Strong, Topping, Turner, Vliet, White and Wilson—52.

The question was then put on concurring in the sixth amendment of the committee, which was to strike out all after the word "respectively," in the 2nd line of the 3d section.

And was decided in the affirmative.

The 7th amendment, which was to strike out the word "public," before the word "schools," and insert in lieu thereof the word "common."

Was then concurred in.

The 8th amendment, which was to strike out all after the word "and," where it occurs in the 2nd line of the 4th section, and insert "the common schools shall be equally free to all children, and no sectarian instruction shall be used or permitted in any common school in this state."

Was concurred in.

The amendments having all been disposed of,

Wm. R. Smith moved to amend the 5th section by striking out all after the word "city," in the 3d line.

Which was disagreed to.

Mr. Magone moved to amend the 1st section, by adding "The superintendent shall receive an annual salary not less than ten hundred dollars, and not exceeding fifteen hundred dollars."

Mr. Kellogg moved to amend the amendment by striking out the words "ten hundred dollars", and insert "$600," and strike out "$1500," and insert "$1200."

Which was disagreed to.

The question was then put on the amendment of Mr. Magone,

And was decided in the negative.

And the ayes and noes having been called for and entered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Bell, Bennett, Bevans, Brace, Burchard, Chamberlain, Cooper, Coxe, Fitzgerald, Fuller, Goodrich, Graham, Hackett, Hammond, Harkin, Hicks, Heubschmann, Hunkins, Inman, James, Janssen, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Noggle, Parks, Parsons, Rogan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, Vliet, Wakely, White and Wilson—46.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown Clothier, Combs, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Elmore, Gibson, Giddings, Goodell, Goodsell, Granger, Gray, Geo. B. Hall, Hazen, Hesk, Holcomb, Geo. Hyer, N. F. Hyer, Jenkins, Judd, Mills, Moore, O'Connor, Patch, Parkinson, Prentiss, Mr. President, Randall, Reed, Ryan, Seaver, William R. Smith, Soper, Topping, Turner and Willard—51.

The said article was then ordered to be engrossed for its third reading.

Mr. Holcomb moved that the vote ordering the said article to be engrossed for its third reading, be reconsidered,

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Bell, Bennett, Bevans, Bowker, Boyd, Brace, Burchard, Dickinson, Elmore, Fitzgerald, Fuller, Goodrich, Graham, Hackett, Hammond, Harkin, Hicks, Holcomb, Heubschmann, Hunkins, Inman, James, Kellogg, Lovell, Madden, Magone, Meeker, Parks, Parsons, Prentiss, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, Vliet, Wakely, White and Willard —46.

Those who voted in the negative, were

Messrs. John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Berry, Bowen, Charles E. Brown, Hiram Brown, Carter, Chamberlain, Clothier, Combs, Cooper, Coxe, Crawford, Cruson, Dennis, Doty, Dunning, Gibson, Giddings, Gillmore, Goodell, Goodsell, Granger, Gray, Geo B. Hall, Hazen, Hesk, George Hyer, N. F. Hyer, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Mills, Moore, O'Connor, Patch, Parkinson, Mr. President, Randall, Reed, Seaver, Wm. R. Smith, Soper, Topping, Turner and Wilson—51.

The report of the select committee to whom was referred

No. 10. "Article on the constitution and organization of the legislature,"

Was taken up,

And the question being on concurring in the amendments of the select committee of eleven thereto,

Mr. Hicks moved that the convention resolve itself into committee of the whole for the consideration of the same.

Which was disagreed to.

A. Hyatt Smith moved to amend the section reported by the committe, by striking out the word "four" in the apportionment to the county of Iowa, and insert in lieu thereof the word "three," and strike out the word "three" and insert the word "four."

Which was agreed to.

Mr. O'Connor moved to amend the section by striking out the words "shall constitute a representative district" and the words "shall constitute a senatorial district" wherever they occur.

Which was disagreed to.

John Y. Smith moved to amend by striking out the word "four", where it occurs in the apportionment to the county of Dane, and insert in lieu thereof the word "five."

Which was agreed to.

Mr. Gibson moved to amend the section by striking out from the first senatorial district the county of "Fondulac," and to amend the 2nd senatorial district by adding thereto the county of "Fond du lac", and striking out the counties of "Sauk, Richland, Crawford, Chippewa, St. Croix and LaPointe," and also to amend by adding to the fifteenth senatorial district the counties of Sauk, Richland, Crawford, Chippewa, St Croix and LaPointe.

And pending the question thereon,

On motion of Mr. Noggle,

The convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

Article No. 10. Was then taken up, when

A. Hyatt Smith moved to amend the amendment of the committee of the whole, by adding the following section thereto, as section four:

Sec. 4. Until there shall be a new apportionment of the senators and members of the house of representatives, the state shall be divided into senatorial and representative districts as follows, and the senators and members of the House of Representatives shall be apportioned among the several districts as follows, viz:

The county of Brown shall constitute the first representative district,

And shall be entitled to one representive.

The county of Calumet shall constitute the second representative district,

And shall be entitled to one representive.

The county of Manitowoc shall constitute the third representative district,

And shall be entitled to one representative.

The county of Marquette shall constitute the fourth representative district,

And shall be entitled to one representative.

The county of Winnebago shall constitute the fifth representative district,

And shall be entitled to one representative.

The county of Sheboygan shall constitute the sixth representative district,

And shall be entitled to one representative.

The county of Fond du Lac shall constitute the seventh representative district,

And shall be entitled to two representatives.

The county of Columbia shall constitute the eighth representative district,

And shall be entitled to one representative,

The counties of Sauk and Richland shall constitute the ninth representative district,

And shall be entitled to one representative.

The county of Washington shall constitute the tenth representative district

And shall be entitled to four representatives.

The county of Dodge shall constitute the eleventh representative district,

And shall be entitled to four representatives.

The county of Milwaukee shall constitute the twelfth representative district,

And shall be entitled to eight representatives.

The county of Waukesha shall constitute the thirteenth representative district,

And shall be entitled to six representatives.

The county of Jefferson shall constitute the fourteenth representative district,

And shall be entitled to five representatives.

The county of Dane shall constitute the fifteenth representative district,

And shall be entitled to four representatives.

The county of Racine shall constitute the sixteenth representative district,

And shall be entitled to ten representatives.

The counth of Walworth shall constitute the seventeenth representative district,

And shall be entitled to six representatives.

The county of Rock shall constitute the eighteenth representative district,

And shall be entitled to five representatives.

The county of Green shall constitute the nineteenth representative district,

And shall be entitled to one representative.

The county of Iowa shall constitute the twentieth representative district,

And shall be entitled to seven representatives: Provided that whenever the said county of Iowa shall be divided, and two new counties shall be organized out of the same, then the northern of said two new counties shall be entitled to three representatives, and the southern of said two new counties shall be entitled to four representatives.

The county of Grant shall constitute the twenty-first representative district,

And shall be entitled to five representatives.

The county of Crawford shall constitute the twenty-second representative district,

And shall be entitled to one representative.

The counties of St. Croix and Chippewa shall constitute the twenty third representative district,

And shall be entitled to one representative.

The county of Lapoint shall constitute the twenty fourth representative district,

And shall be entitled to one representative.

The county of Portage shall constitute the twenty fifth representative district,

And shall be entitled to one representative.

The counties of Brown, Calumet, Winnebago, Fond du Lac, Manitowoc and Sheboygan shall constitute the first senatorial district,

And shall be entitled to one senator.

The counties of Marquette, Columbia, Portage, Sauk, Richland, Crawford, Chippewa, St. Croix and Lapoint shall constitute the second senatorial district,

And shall be entitled to one senator.

The county of Washington shall constitute the third senatorial district,

And shall be entitled to one senator.

The county of Dodge shall constitute the fourth senatorial district,

And shall be entitled to one senator.

The county of Milwaukee shall constitute the fifth senatorial district,

And shall be entitled to two senators.

The county of Waukesha shall constitute the sixth senatorial district,

And shall be entitled to two senators.

The county of Jefferson shall constitute the seventh senatorial district,

And shall be entitled to one senator.

The county of Dane shall constitute the eighth senatorial district,

And shall be entitled to one senator.

The county of Racine shall constitute the ninth senatorial district,

And shall be entitled to two senators.

The county of Walworth shall constitute the tenth senatorial district,

And shall be entitled to two senators.

The county of Rock shall constitute the eleventh senatorial district,

And shall be entitled to two senators.

The county of Green shall constitute the twelfth senatorial district,

And shall be entitled to one senator.

The county of Iowa shall constitute the thirteenth senatorial district,

And shall be entitled to two senators: Provided, that whenever the said county of Iowa shall be divided, and two new counties shall

be organized out of the same, then the northern of said two new counties shall be entitled to one senator, and the southern of said two new counties shall be entitled to one senator.

The county of Grant shall constitute the fourteenth senatorial district,

And shall be entitled to two senators,

A. HYATT SMITH, Chairman.

And the question having been put,

It was decided in the affirmative.

The question was then put on concurring in the amendment as amended,

And was decided in the affirmative.

The question was then put on concurring in the 4th amendment of the committee of the whole to the said article; which was to strike out all after the word "district" in the second line of the printed bill, and insert, "The senators shall be chosen for two years, at the same time and in the same manner as the representatives are required to be chosen. At the first session of the legislature under this constitution they shall be divided by lot from their respective districts, as nearly as may be, into two equal classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half thereof or nearly as may be, shall be chosen annually thereafter.

And was decided in the negative.

The question being on concurring in the fifth amendment of the committee, which was to strike out section 7, and insert the following:

"Sec. 7. No person holding any office under the United States, Postmasters excepted, or who shall be a defaulter to the United States, or of this state shall be eligible to a seat in either branch of the legislature of this state."

Mr. Ryan moved to amend the same by striking out the word "hereafter".

Which was agreed to.

Mr. Baker moved to amend the said section by striking out the words "of the United States or of this state," and insert in lieu thereof the word "public."

Which was disagreed to.

The question was then put on concurring in the amendment as amended.

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baird, Baker, Beall, Berry, Bowker, Brace, Charles E. Brown, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Clark, Clothier, Combs, Cooper, Coxe, Cruson, Dennis, Doty, Dunning, Fitzgerald, Gibson, Giddings, Goodrich, Goodsell, Graham, Granger, Gray, Green, Hackett, George B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mills, Moore, Noggle, O'Connor, Parkinson, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vineyard, Vliet, Wakely, White and Wilson—82.

Those who voted in the negative, were

Messrs. Hiram Barber, Bell, Bennett, Beyans, Bowen, Boyd, Crawford, Dickinson, Drake, Elmore, Fuller, Goodell, Heubschmann, Judd, Seaver, Soper, Marshall M. Strong and Willard—18.

The 6th amendment of the committee, which was to strike out the word "and" in the 12th section, and insert the word "or" in lieu thereof,

Was then concurred in.

The question was then put on concurring in the 7th amendment of the committee, which was to strike out "30" in the 4th section, and insert in lieu thereof the number "40".

And was decided in the affirmative.

The question was then put on concurring in the 8th amendment of the committee, which was to strike out the 15th section.

And was decided in the affirmative.

The amendments having all been disposed of,

Mr. Ryan moved to amend Sec. 11 by inserting between the words "every year," the word "second."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beall, Bell, Bennett, Berry, Bowen, Bowker, Brace, Hiram Brown, Burchard, Burt, Chamberlain, Combs, Doty, Elmore, Fitzgerald, Giddings, Goodell, Goodrich, Goodsell, Graham, Hackett, George B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, Jenkins, Madden, Magone, Moore, Noggle, Parkinson, Parsons, Prentiss, Mr. President, Ryan, A. Hyatt Smith, Sewall Smith, Vineyard and White—47.

Those who voted in the negative, were

Messrs. Atwood. John M. Babcock, Baker, Hiram Barber, Bevans, Boyd, Charles E. Brown, Carter, Clark, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Drake, Dunning, Fuller, Gibson, Granger, Gray, N. F. Hyer, Inman, James, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Lovell, Meeker, Mills, O'Connor, Parks, Randall, Reed, Rogan, Seaver, George B. Smith, John Y. Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakeley, Willard and Wilson —53.

Mr. Parks moved to amend the 7th section by striking out the words "Postmasters excepted."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baird, J. Allen Barber, Beall, Bevans, Bowen, Hiram Brown, Burchard, Carter, Clark, Clothier, Combs, Dennis, Dickinson, Doty, Dunning, Elmore, Fitzgerald, Goodsell, Gray, Hazen, Hesk, Hicks, Inman, James, Asa Kinney, Magone, Meeker, Moore, Noggle, O'Connor, Parks, Prentiss, Reed, Rogan, Seaver, Sewell Smith, Wm. R. Smith, Turner, Tweedy, Vineyard and Vliet—41.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Berry, Bowker, Boyd, Brace, Charles E. Brown, Burt, Chamberlain, Cooper, Coxe, Crawford, Cruson, Drake, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, George B. Hall, Hammond, Harkin, Hayes, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Janssen, Judd, Kellogg, Joseph Kinney, Lovell, Madden, Mills, Patch, Parkinson, Parsons, Mr. President, Randall, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Wakeley, White, Willard and Wilson—59.

Mr. Tweedy moved to amend by adding as sec. 5. "The state shall be divided by the legislature, at its first session after each new enumeration, into as many representative districts as there shall be representatives to be elected, and also into as many senatorial districts as there shall be senators to be elected; such districts shall be composed of contiguous territory."

A. Hyatt Smith moved to amend the amendment by striking out the words "be divided," and insert the words "shall have power to divide."

Which was disagreed to.

The question then recurred on the amendment of Mr. Tweedy.

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baird, Hiram Barber, J. Allen Barber, Beall, Bell, Berry, Charles E. Brown, Hiram Brown, Burchard, Burt, Clothier, Combs, Cooper, Crawford, Cruson, Dennis, Doty, Drake, Elmore, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Goodsell, Graham, Granger, Hackett, Hazen, Hesk, Hicks, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Janssen, Judd, Kellogg, Asa Kinney, Joseph Kinney, Madden, Magone, Moore, Parks, Parsons, Prentiss, Mr. President, Randall. Reed, Seaver, Sewall Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy and Viet —59.

Those who voted in the negative, were

Messrs. Atwood, Baker, Bevans, Bennett, Bowen, Bowker, Boyd, Brace, Carter, Chamberlain, Clark, Coxe, Dickinson, Dunning, Gray, George B. Hall, Hammond, Harkin, Holcomb, Inman, James, Jenkins, Lovell, Meeker, Mi ls, Noggle, O'Connor, Patch, Parkinson, Rogan, Ryan, A. Hyatt Smith, George B. Smith, John Y. Smith, William R. Smith, Toland, Topping, Vineyard, Wakeley, White, Willard and Wi son—42.

Mr. Tweedy moved further to amend by inserting after the 5th section, as follows:

"Sec. 6. The several boards of county officers, in such counties of the state as are entitled to more than one representative, shall meet on the first Monday of July next, and divide their respective counties into representative districts equal to the number of representatives to which such counties are severa ly entitled, and shall cause to be filed in the office of the Secretarv of State, and of the clerks of their respective county boards, a description of such districts, specifying the number of each district, and the proportion thereof as near as can be ascertained according to the last enumeration. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, and shall consist of convenient and contiguous territory, but no town shall be divided in the formation of each district," when

Mr. Ryan moved to amend the amendment by striking out all after the word "Territory," in the last line but one.

And pending the question thereon,

On motion of Moses M. Strong,

The convention adjourned.

FRIDAY, December 4, 1846.

Prayer by the Rev. Mr. Miner.

The journal of yesterday was read and corrected.

Mr. Parsons presented the memorial of citizens of Racine county, relative to the proceedings of a meeting of citizens of Yorkville; when

Mr. Ryan moved that the further consideration thereof be postponed until the committee on revision shall have made their report.

Which was agreed to.

Mr. Heubsch [illegible] presented [illegible] petitions of citizens of this Territory, relative [illegible] [illegible].

Which were referred to the [illegible] committee of the whole which shall have under charge [illegible].

Mr. Toland presented a petition of citizens of Washington county, upon the same subject.

Which was referred to the same committee of the whole which shall have under charge the Schedule.

Mr. Ryan introduced the following resolution, which was read, to wit:

"Resolved, That the following be adopted as an article of the Constitution:

ARTICLE.

Sec. 1. No person convicted of any infamous crime in any court within the United States; and no person being a defaulter to the United States or to this State, or to any State or Territory within the United States, shall be eligible to any office of trust, profit or honor in this State.

Sec. 2. No person being elected or appointed to the office of Governor, Lieutenant Governor, Senator or Representative in the Legislature, or Judge of the Supreme or Circuit courts, shall be eligible during his term of office, to any other office of trust, profit or honor, in this State.

Sec. 3. Every person elected or appointed to the office of Gover-

nor, Lieutenant Governor, Senator or Representative in the Legislature, or Judge of the Supreme or Circuit Courts, shall be required to declare in his oath of office, before he shall assume his office, that he will not during the term for which he is elected or appointed to such office, accept the office of Senator or Representative in Congress."

Mr. Bevans introduced the following resolution, which was read, to wit:

"Resolved, That the committee on expenses be instructed to inquire into the propriety of allowing to Charles Burchard, of Waukesha county, the necessary expenses incurred by him in regard to the contest of his seat in this convention, and if the same be allowed, then the amount of the same shall be reported by the said committee."

Mr. Baker introduced the following resolution, which was read, to wit:

"Resolved, That the committee on miscellaneous provisions be instructed to enquire into the expediency of adopting the following to constitute a distinct section in the constitution:

No person who shall hereafter be entrusted with public moneys, shall be eligible to any office of profit or trust, until he shall have accounted for and paid over all moneys with which he shall have been so entrusted."

Mr. Hunkins, from the committee on engrossment, reported

No. 31. "Article on Education, Schools and School funds," as correctly engrossed.

Article No. 31 was then read the third time, when

Mr. Noggle asked the unanimous consent of the convention to make the following amendments, to wit:

To insert after the word "direct," in the 4th line of the 1st section the words "and shall receive for his services a salary of not less than twelve, nor more than fifteen hundred dollars annually," and to strike out all after the word "ditto," in the second line of the 5th section.

Leave was not granted.

The question was then put on the passage of the said article,

And was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bennett, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burnside, Burt, Carter, Combs, Cooper, Dennis, Dickinson, Doty, Drake, Fitzgerald, Fuller, Giddings, Gillmore, Graham, Granger, Green, Geo. E. Hall, Hayes, Hazen, Hesk, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins,

Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mills, Moore, O'Connor, Parkinson, Pierce, Prentiss, Mr. President, Randall, Rogan, Scaver, A. Hyatt Smith, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Topping, Turner, Vliet, Wakely and Wilson—69.

Those who voted in the negative, were

Messrs. J. Allen Barber, Bell, Bevans, Burchard, Clothier, Coxe, Cruson, Ellis, Elmore, Gibson, Goodell, Goodrich, Gray, Hammond, Harkin, Hicks, Holcomb, Noggle, Patch, Parks, Parsons, Reed, Ryan, Geo. B. Smith, Moses M. Strong, Tweedy, Vineyard, and White—28.

So the article passed and the title thereof was agreed to.

No. 10. "Article on the constitution and organization of the legislature,"

Was taken up, when

Nathaniel F. Hyer moved to reconsider the vote adopting the amendment of Mr. Tweedy to the 5th section.

Mr. MaGone moved a call of the convention,

Which was ordered.

And Messrs. John M. Babcock, Berry, Brace, Carter, Horace Chase, Dunning, Fuller, Goodsell, and Moses M. Strong, reported absent.

The sergeant-at-arms was sent for the absentees, and

Messrs. Dunning, Goodsell, Horace Chase and Berry,

Were excused from their attendance.

The sergeant-at-arms reported all the absentees in attendance.

Marshall M. Strong moved that leave of absence be granted to Messrs. Kellogg and Willard.

Leave was granted.

The question then recurred on the motion of Mr. Hyer, to reconsider the vote adopting the amendment of Mr. Tweedy.

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Carter, Chamberlain, Clark, Clothier, Coxe, Dickinson, Fitzgerald, Graham, Gray, Green, Geo. B. Hall, Hammond, Harkin, Hayes, George Hyer, N. F. Hyer, Inman, James, Jenkins, Joseph Kinney, Lovell, Madden, Meeker, Mills, Noggle, Patch, Parkinson, Pierce, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Topping, Vineyard, Wakeley, and White—55.

Those who voted in the negative were,

Messrs. J. Allen Barber, Beall, Charles E. Brown, Burchard, Burt, Combs, Cooper, Crawford, Cruson, Dennis, Doty, Drake, Ellis, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Hazen, Hesk, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Janssen, Judd, Asa Kinney, Magone, Moore, O'Connor, Parks, Parons, Prentiss, Mr. President, Randall, Reed, Seaver, Marshall M. Strong, Turner, Tweedy, Vliet, and Wilson—46.

Moses M. Strong moved to amend the amendment by inserting after the word "State," in the first line, the words "except the county of Iowa."

And the question having been put,

It was decided in the negative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were,

Messrs. Baker, Beall, Burnside, Carter, Chamberlain, Cruson, Dickinson, Doty, Hammond, Harkin, Hayes, Holcomb, Geo. Hyer James, Jenkins, Lovell, Meeker, Noggle, Parkinson, Pierce, Ryan, A. Hyatt Smith, Geo. B. Smith, John Y. Smith, William R. Smith, Moses M. Strong, Vineyard and and White—28.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burchard, Burt, Clark, Combs, Cooper, Coxe, Crawford, Dennis, Drake, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, Granger, Gray, Green, George B. Hall, Hazen, Hesk, Hicks, Hill, Heubschmann, N. F. Hyer, Inman, Janssen, Judd, Asa Kinney, Joseph Kinney, Magone, Moore, O'Connor, Patch, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, Seaver, Sewal Smith, Soper, Marshall M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakely and Wilson—68.

Mr. Parks moved a call of the convention,

Which was seconded.

And Messrs. Berry, Horace Chase, Combs, Dickinson, Dunning, Ellis, Hackett, Hunkins and Mills reported absent.

Messrs. Horace Chase and Mills were excused from their attendance.

Mr. Ryan moved that the absentees be excused.

Which was agreed to.

And a division having been called for,

There were 49 in the affirmative, and 39 in the negative.

The question was then put,

On adopting the amendment of Mr. Tweedy,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Hiram Barber, J. Allen Barber, Beall. Bell, Charles E Brown, Hiram Brown, Burchard, Burt, Clothier, Cooper, Crawford Dennis, Doty, Drake, Ellis, Elmore, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Hazen, Hesk, Hicks, Hill, Holcomb, Heubschmann, Hunkins. Janssen, Judd, Asa Kinney, MaGone, Moore, Parks, Parsons, Prentiss, Mr. President, Randall, Reed, Seaver, Marshall M. Strong, Turner, Tweedy, Vliet and Wilson—47.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Bennett, Bevans, Bowen. Bowker, Boyd, Brace, Burnside, Carter, Chamberlain, Clark, Coxe, Cruson, Dickinson, Fitzgerald, Graham, Gray, Green, George B. Hall, Hammond, Harkin, Hayes, Geo. Hyer, N. F. Hyer, Ir[illegible] James, Jenkins, Joseph Kinney, Lovell, Madden, Meeker, Mills, [illegible]gle, O'Connor, Patch, Parkinson, Pierce, Rogan, Ryan, A. Hyatt Smith, Geo. B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Moses M. Strong, Toland, Topping, Vineyard, Wakely and White—53.

Mr. Tweedy moved to amend the said article by adding the following as sec. 5:

"Sec. 5. The several boards of county officers, in such counties of the State as are entitled to more than one representative, shall meet on or before the first Monday of July next, and divide their respective counties into representative districts equal to the number of representatives to which such counties are severally entitled; and shall cause to be filed in the office of the Secretary of State and of the Clerks of their respective county boards, a description of such districts specifying the numbers of each district, and the proportion thereof as near as can be ascertained, according to the last enumeration; each representative district shall contain as nearly as may be an equal number of inhabitants, and shall consist of convenient and contiguous territory."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. J. Allen Barber, Beall, Bell, Charles E. Brown, Burchard, Burt, Clothier, Cooper, Drake, Ellis, Elmore, Gibson, Giddings, Gillmore, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Asa Kinney, Moore, Parks, Prentiss, Reed, Tweedy, and Vliet—27.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside,

Carter, Chamberlain, Clark, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Fitzgerald, Fuller, Goodell, Goodrich, Graham, Granger, Gray, Green, Geo. B. Hall, Hammond, Harkin, Hayes, Hesk, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Joseph Kinney, Lovell, Madden, Magone, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Parsons, Pierce, Mr. President, Randall, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Vineyard, Wakely, White and Wilson—73.

Marshall M. Strong moved to amend the said article by striking out the 2d section, and inserting

"Sec. 2. The number of the members of the House of Representatives shall never be less than sixty, nor greater than one hundred and twenty. The Senate shall consist of a number of members not greater than one-third, or less than one-fourth of the number of the members of the House of Representatives."

Moses M. Strong moved the previous question.

Which was ordered.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on adopting the amendment of Marshall M. Strong,

And was decided in the affirmative.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burnside, Carter, Chamberlain, Clark, Coxe, Dennis, Dickinson, Doty, Drake, Fitzgerald, Goodrich, Graham, Granger, Green, George B. Hall, Hammond, Harkin, Hicks, Hill, Holcomb, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Prentiss, Mr. President, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Vliet, Wakeley, White and Wilson—68.

Those who voted in the negative, were

Messrs. J. Allen Barber, Burchard, Burt, Clothier, Cooper, Craw-

Lord, Cruson, Ellis, Elmore, Fuller, Gibson, Giddings, Gilmore, Goodell, Gray, Hazen, Hesk, Heubschmann, Hunkins, Magone, Moore, Parks, Parsons, Pierce, Randall, Reed, Geo. B. Smith, John Y. Smith, Turner, Tweedy and Vineyard—31.

Moses M. Strong moved that the vote ordering the said article to be engrossed, be reconsidered; when

Mr. Cooper moved that the said motion

Be laid upon the table,

Which was disagreed to.

Moses M. Strong moved the previous question;

Which was ordered,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were

Messrs. Atwood, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowler, Boyd, Brace, Hiram Brown, Burnside, Carter, Chamberlain, Cone, Crawford, Cruson, Dickinson, Fitzgerald, Graham, Granger, Green, George B. Hall, Hammond, Harkin, Holcomb, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Lowell, Madden, Meeker, Mills, Noggle, O'Connor, Patch, Parkinson, Pierce, Mr President, Rogan, Ryan, Sawyer, A. Hyatt Smith, Geo. B. Smith, Sewell Smith, William R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Vliet, Wakely, White and Wilson—61.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, J. A. Barber, Charles E. Brown, Burchard, Burt, Clark, Clothier, Cooper, Dennis, Doty, Drake, Ellis, Elmore, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Gray, Hazen, Hesk, Hicks, Hill, Heubschmann, Hunkins, Magone, Moore, Parks, Parsons, Prentiss, Randall, Reed, John Y. Smith, Tweedy, and Vineyard—37.

The question was then put on the motion of Moses M. Strong, to reconsider the vote ordering the said article to be engrossed,

And was decided in the negative.

On motion of Mr Noggle,

The convention took a recess until 2 o'clock P. M.

Two O'clock, P. M.

The convention resolved itself into committee of the whole, for the consideration of

No. 32. "Article on the rights of married women, and exemption from forced sale."

Mr. Magone in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported the said article back with amendments.

Mr. Patch moved that the convention take a recess until 7 o'clock, P. M.

Which was agreed to.

Seven O'clock, P. M.

On motion of Nathaniel F. Ryer,

The convention again resolved itself into committee of the whole, for the further consideration of

No. 32. "Article on the rights of married women, and exemption from forced sale."

Mr. Magone in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported the same back with amendments.

Mr. Hicks moved that the convention adjourn,

Which was disagreed to.

Mr. Ryan moved the previous question,

Which was not seconded.

Mr. Randall moved that the convention adjourn.

Which was agreed to.

And a division having been called for,

There were 17 in the affirmative, and 35 in the negative.

SATURDAY, December 5, 1846.

Prayer by the Rev. Mr. McHugh.

The reading of the journal of yesterday was dispensed with.

Mr. Dennis moved that an additional member be added to the committee on expenses, in place of Warren Chase, who had returned home.

Which was agreed to.

The chair announced the appointment of Mr. Hunkins to fill the vacancy in such committee.

Marshall M. Strong, from the committee on engrossment, reported

No. 10. "Article on the constitution and organization of the legislature,"

As correctly engrossed.

Mr. Dennis introduced the following resolution, which was read, to wit:

"Resolved, That the following section be adopted into, and form a part of the constitution of the State of Wisconsin:

Sec. 1. There shall be no state printer in this State. The legislature shall contract for the printing of all laws and legislative journals to the lowest and best bidder, upon reasonable notice being given thereof; and as far as practicable, all other state printing shall be contracted for in the same manner."

William R. Smith introduced the following resolution, to wit:

"Resolved, That a committee of three be appointed to ascertain the amount of moneys which the treasurer of the Territory has already received of the canal funds appropriated to the payment of the expenses of this convention, and what disposition he has made of the same, and also what funds are now available for the payment of the expenses of this convention."

And the rules having been first suspended for that purpose,

The said resolution was adopted.

The president announced the appointment of the following committee under said resolution, to wit,

Messrs. Wm. R. Smith, Joseph Kinney and Fuller.

Mr. Harkin introduced the following resolution, which was read, to wit:

"Resolved, That it is the decided conviction of this convention that any foreigner who is not willing to make oath to support the con

stitution of the United States, is not entitled to the right of suffrage."

The resolution introduced on the 3rd inst., by Mr. Dennis, relative to an appropriation to Messrs. Varney and Vial,

Was taken up and adopted.

The resolution introduced by Mr. Ryan on the 4th inst., relative to incorporating in the constitution an article relative to disqualification of officers,

Was taken up; and

Read the first and second times, and referred to the committee of the whole,

The resolution introduced by Mr. Bevans on the 4th instant, relative to paying the expenses of Mr. Burchard in contesting his seat,

Was taken up and adopted.

The resolution introduced Mr. Baker on the 4th inst., relative to disqualification for office,

Was taken up; when

A. Hyatt Smith moved that the same be laid upon the table.

Which was agreed to.

No. 10. "Article on the constitution and organization of the legislature,"

Was read the third time,

And the question having been put on the passage of the said article,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Burt, Carter, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Dennis, Dickinson, Doty, Drake, Dunning. Ellis, Fitzgerald, Giddings, Gilmore, Goodel, Goodrich. Graham, Green, Hackett, Geo. B. Hall, Hammond, Harkin, Hayes, Hill, Holcomb, Hunkins, N. F. Hyer, Inman, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Mills, Moore, Noggle, Patch, Parkinson, Pierce, Prentiss, Mr. President, Randall, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, William R. Smith, Soper, Marshall M. Strong, Toland, Topping, Wakely, White and Wilson—73.

Those who voted in the negative, were

Messrs. Brace, Clark, Crawford, Elmore, Gibson, Granger, Gray, Hazen, Hesk, Hicks, Heubschmann, Geo. Hyer, James, Jenkins, O'Connor, Parsons, Reed, Rogan, George B. Smith, John Y. Smith, Moses M. Strong, Turner, Tweedy, Vineyard and Vliet—25.

No. 32. "Article on the rights of married women and exemption from forced sale,"

Was taken up;

And the question being on concurring in the amendments of the committee of the whole thereto,

A division of the question was called for.

The question being on concurring in the first amendment of the said committee, which was to amend the first section by striking out all after the word "all," in the first line, and insert. "property real and personal of the wife, owned by her at the time of her marriage, and also that acquired by her after marriage, by gift, divise, descent or otherwise than from her husband, and shall be her separate property. Laws shall be passed providing for the registry of the wife's property and more clearly defining the rights of the wife thereto, as well as to property held by her with her husband, and for carrying out the provisions of this section."

Mr. Ryan moved to amend the same by adding "and the husband shall in no case be liable for the contracts of the wife."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Brace, Burnside, Clark, Elmore, Fitzgerald, Gillmore, Gray, Hackett, Harkin, Holcomb, Inman, Joseph Kinney, Mills, Parkinson, Prentiss, Ryan, John Y. Smith, Marshall M. Strong, Moses M. Strong, Toland, Vineyard and White—22.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Burt, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fuller, Gibson, Giddings, Goodrich, Graham, Granger, Green, Geo.B. Hall, Hammond, Hazen, Hesk, Hicks, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, James, Janssen, Jenkins, Judd, Asa Kinney, Lovel., Madden, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Randall, Reed, Rogan, Seaver, George B. Smith, Sewall Smith, Wm. R. Smith, Soper, Topping, Turner, Tweedy, Vliet, Wakely and Wilson—76.

Marshall M. Strong moved to amend the amendment by adding the following:

"In all cases where the wife has separate property, the same shall be liable for all debts contracted by her individually."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, J. Allen Barber, Bevans Bowker, Brace, Burnside, Burt, Clark, Cruson, Dickinson, Elmore, Fitzgerald, Gillmore, Gray, Hackett, Harkin, Hayes, Holcomb, Heubschmann, Inman, Joseph Kinney, Mills, Moore, Parkinson, Parks, Parsons, Prentiss, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Wakely and White—40.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Bell, Bennett, Bowen, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Ellis, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Geo B. Hall, Hazen, Hesk, Hicks, Hill, Hunkins, George Hyer, N. F. Hyer, James, Janssen, Jenkins, Judd, Asa Kinney, Lovell, Madden, Magone, Manahan, Noggle, O Connor, Patch, Pierce, Mr. President, Randall, Reed, Seaver, George B. Smith, Wm. R. Smith, Topping, Turner, Tweedy, Vineyard, Vliet, and Wilson—61.

Marshall M. Strong moved to amend the amendment by adding the following:

"Where the wife has a separate property from that of the husband, the same shall be liable for the debts of the wife, contracted before marriage."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Gray, Green, Hackett, George B. Hall, Harkin, Hayes, Hazen, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Mills, Moore, Noggle, O'Connor, Patch, Parkinson, Parks, Parsons, Pierce, Prentiss, Randall, Rogan, Ryan, Seaver, A. Hyatt Smith, George B. Smith, Sewall Smith, Wm. R. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakeley, White and Wilson—90.

Those who voted in the negative, were

Messrs. Clothier, Graham, Hesk, Hicks, Magone, Manahan, Reed, John Y. Smith and Vineyard—9.

Mr. Lovell moved to amend the amendment by striking out

the words, "as well as to property held by her with her husband."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baker, Hiram Barber, J. Allen Barber, Bevans, Bowker, Brace, Burnside, Burt, Clark, Clothier, Cotte, Elmore, Fitzgerald, Gillmore, Gray, Hackett, Harkin, Heubschmann, Geo. Hyer, Inman, Joseph Kinney, Lovell, Mills, Moore, Parkinson, Parks, Parsons, Prentiss, Mr. President, Reed, Rogan, Ryan, Sewell Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakeley and White—40.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Beall, Bell, Bennett, Bowen, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Cooper, Crawford, Cruson, Dickinson, Doty, Drake, Dunning, Ellis, Fuller, Giddings, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hayes, Hazen, Hill, Holcomb, James, Janssen, Jenkins, Judd, Asa Kinney, Madden, Magone, Manahan, Meeker, Noggle, O'Connor, Pierce, Randall, Seaver, George B. Smith, Wm. R. Smith, Topping, Vineyard, Vliet and Wilson—32.

Mr. Tweedy moved to amend the amendment by striking out the 1st section and inserting the following, to wit:

"Sec. 1. The legislature shall enact suitable laws, securing as far as it may be practicable to the wife, and her children, the enjoyment of all property, both real and personal, owned by her at the time of her marriage, or which shall be acquired by her after marriage, by gift, devise, descent or otherwise. Provided, that all such property shall be so registered as to be clearly ascertained and distinguished from the property of the husband."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hiram Barber, J. Allen Barber, Bevans, Brace, Burchard, Burnside, Burt, Clark, Clothier, Cruson, Elmore, Fitzgerald, Gillmore, Gray, Hackett, Harkin, Hayes, Hicks, Holcomb, Heubschmann, Inman, James, Joseph Kinney, Lovell, Madden, Mills, Parkinson, Parks, Prentiss, Mr. President, Reed, Rogan, Ryan, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Wakely and White—43.

Those who voted in the negative, were

Messrs. Atwood, Baker, Beall, Bell, Bennett, Bowen, Bowker,

Boyd, Charles E. Brown, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fuller, Giddings, Goodell, Goodrich, Graham, Granger, Green, Geo B. Hall, Hazen, Hesk, Hill, Hunkins, George Hyer, N. F. Hyer, Janssen, Jenkins, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parsons, Pierce, Randall, Seaver, George B. Smith, Wm. R. Smith, Topping, Vineyard, Vliet, and Wilson—56.

The question was then put on concurring in the said amendment as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fuller, Giddings, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hazen, Hesk, Hill, Hunkins, George Hyer, N. F. Hyer, James, Janssen, Jenkins, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parsons, Pierce, Prentiss, Mr. President, Randall, Seaver, George B. Smith, William R. Smith, Topping, Turner, Vliet and Wilson—61.

Those who voted in the negative, were

Messrs. Brace, Burchard, Burnside, Burt, Clark, Clothier, Crosson, Fitzgerald, Gilmore, Gray, Hackett, Harkin, Hayes, Hicks, Holcomb, Heubschmann, Inman, Joseph Kinney, Lovell, Mills, Parkinson, Parks, Reed, Rogan, Ryan, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Tweedy, Vineyard, Wakeley and White—35.

On motion of Mr. Dennis,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No 32,

Was again taken up.

And the question having been put on concurring in the second amendment of the committee, which was to strike out the second section, and insert as follows, to wit:

"Forty acres of land to be selected by the owner thereof, or the homestead of a family not exceeding forty acres, which said land shall not be included within any city or village; or instead thereof (at the option of the owner) any lot in any city or village, being the homestead of a family, and not exceeding in value dollars, shall not be subject to forced sale on execution, for any debt or debts growing out of or founded upon contract, either express or implied, made after the adoption of this constitution: Provided, that such exemption shall not affect in any manner, any mechanic's or laborer's lien, or any mortgage thereon lawfully obtained, nor shall the owner, if a married man, be at liberty to alienate such real estate unless by consent of the wife."

It was decided in the affirmative.

The question then being on concurring in the 3d amendment of the committee, which was to strike out of the second section all after the words "to wit" and insert the words "forty acres of land with the improvements thereon, to be selected by the debtor."

Horace Chase moved to amend the amendment by striking out the word "forty" and inserting the word "eighty,"

Which was disagreed to.

Mr. Hicks moved to amend the amendment by adding, "in addition to what is now exempt by law, the homestead of every family not exceeding eighty acres of land, or in lieu thereof any town lot or lots not exceeding in value two thousand dollars, may be made by law exempt from any forced sale."

Which was disagreed to.

Hiram Barber moved to amend the amendment by striking out the word "debtor" and insert in lieu thereof the word "owner."

Which was agreed to.

Mr. Beall moved to amend by striking out the word "forty" and insert the word "eighty."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Hiram Barber, Beall, Bell, Bowker, Carter, Horace Chase, Clark, Crawford, Cruson, Dickinson, Doty, Dunning, Ellis, Elmore, Goodell, Goodrich, Granger, Gray, Green, Geo. B. Hall, Hesk, Hicks, N. F. Hyer, James, Magose, O'Connor, Patch, Parkinson, Pierce, Randall, Reed, Geo. B. Smith, Moses M. Strong, Topping, Vineyard, Vhet and Wilson—37.

Those who voted in the negative, were

Messrs. Atwood, Baker, J. Allen Barber, Bennett, Bevans, Bowen, Boyd, Charles E. Brown, Burchard, Burnside, Burt, Chamberlain, Clothier, Cooper, Coxe, Dennis, Drake, Fitzgerald, Fuller, Gibson, Giddings, Graham, Hackett, Hammond, Harkin, Hazen, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Inman, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Meeker, Mills, Moore, Noggle, Parsons, Mr. President, Rogan, Ryan, Seaver, Sewell Smith, John Y. Smith, Wm. R. Smith, Soper, Marshall M. Strong, Toland, Turner, Tweedy, Wakely and White—58.

Mr. Cooper moved to amend the amendment by striking out the amendment, and inserting "the homestead of a family, including forty acres of land used solely for farming or mining purposes, or in place thereof, at the option of the owner, any lot in any town, village or city in this state, of the value including improvements, not to exceed one thousand dollars, and such personal property as may be provided by law."

Which was agreed to.

And a division having been called for,

There were 51 in the affirmative,

Negative not counted.

Mr. Rogan moved to amend the amendment by adding, "Provided, that forty acres shall be always liable to be levied on and sold by execution at law, for any debts contracted for improvement or labor done by any mechanic or laborer upon such forty acres."

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, J. Allen Barber, Bevans, Burchard, Burnside, Burt, Horace Chase, Clothier, Crawford, Cruson, Drake, Elmore, Fitzgerald, Goodell, Graham, Gray, Hackett, Harkin, Hazen, Hicks, Hill, Holcomb, Heubschmann, George Hyer, Inman, Jenkins, Judd, Joseph Kinney, Madden, Meeker, Mills, Moore, Parkinson, Reed, Rogan, Ryan, Seaver, Sewall Smith, John Y. Smith, Wm. R. Smith,

Soper, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Vineyard, Wakely and White—50.

Those who voted in the negative, were

Messrs. Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Chamberlain, Clark, Cooper, Coxe, Dennis, Dickinson, Doty, Dunning, Ellis, Fuller, Gibson, Giddings, Goodrich, Granger, Green, George B. Hall, Hammond, Hesk, Hunkins, N. F. Hyer, James, Janssen, Asa Kinney, Lovell, Magone, Manahan, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Mr. President, Randall, Geo. B. Smith, Topping, Vliet, and Wilson—47.

Marshall M. Strong moved to amend the amendment by adding, "Provided, also, said 40 acres shall be liable to be sold on execution issued on any judgment obtained for materials used in making improvements on said 40 acres."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, J. Allen Barber, Bevans, Burchard, Burnside, Burt, Clothier, Cruson, Drake, Elmore, Fitzgerald, Graham, Gray, Hackett, Harkin, Hicks, Hill, Heubschmann, Joseph Kinney, Madden, Magone, Mills, Parkinson, Reed, Rogan, Ryan, Seaver, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Toland, Turner, Tweedy, Vineyard, Wakeley and White—39.

Those who voted in the negative were,

Messrs. Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Dunning, Ellis, Fuller, Gibson, Giddings, Goodrich, Granger, Green, Geo. B. Hall, Hammond, Hazen, Hesk, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Lovell, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Mr. President, Randall, Geo. B. Smith, Wm. R. Smith, Topping, Vliet and Wilson—57.

The question was then put on concurring in the said amendment as amended,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Hiram Barber, J. A. Barber, Beall, Charles E. Brown, Burt, Carter, Clark, Cooper, Doty, Drake, Ellis, Fitzgerald, Gibson, Giddings, Granger, Gray, Hackett, George B. Hall, Hazen, Hicks, Hill, N. F. Hyer, Inman, James, Jenkins, Lovell, Patch,

Parkinson, Mr President, Rogan, Soper, Marshall M. Strong, Tweedy, Vineyard and Wakely—38.

Those who voted in the negative were,

Messrs. Baker, Bell, Bennett, Bevans, Bowker, Boyd, Burchard, Burnside, Chamberlain, Horace Chase, Coxe, Crawford, Cruson, Dennis, Dickinson, Dunning, Elmore, Fuller, Goodell, Graham, Green, Hammond, Harkin, Hayes, Hesk, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Janssen, Judd, Asa Kinney, Joseph Kinney, Madden, Magone, Manahan, Meeker, Mills, Noggle, O'Connor, Parks, Parsons, Pierce, Randall, Reed, Ryan, Seayer, Geo. B. Smith, Sewell Smith, John Y. Smith, William R. Smith, Toland, Topping, Turner, Vliet, White and Wilson—57.

The amendments having been all disposed of,

Mr. Parsons moved to amend by striking out the second section, and insert the following:

"The following property shall forever be exempt from all mortgage sales, and shall be exempt from all judgments from levy and sale upon any execution issued thereon, to wit: forty acres of land which shall be cultivated by the owner, and any town, village or city lot, which shall be occupied by the owner, shall be so exempted from such sale: Provided, however that hydraulic power shall not be so exempt."

Mr. Graham moved to amend the amendment by striking out the same and substituting the following, to wit:

"The following property shall be exempt from levy and sale under any execution, (except for taxes and upon the foreclosure of mortgages,) for debt, to wit: Forty acres of land or one or more adjoining lots in a village, town or city on which the dwelling house shall be situated, not exceeding one thousand dollars in value. And where the value of the same shall exceed one thousand dollars, then so much of the same on which the dwelling house shall be situated to be selected by the debtor (unless the debtor shall fail to do so) as will amount to one thousand dollars in value."

Which was disagreed to.

Mr. Lovell moved to amend the amendment by substituting the following, to wit:

"A homestead of forty acres of agricultural land, or a lot or lots in any town, village or city occupied by the head of a family, not exceeding in value the sum of dollars, shall be exempt from all lien by judgment, and from levy and sale on execution. Provision shall be made by law for the registry of such land or lots."

Which was disagreed to.

Mr. Noggle moved to amend the amendment by substituting the following, to wit:

Strike out the 2nd section, and insert as follows, to wit:

"Forty acres of land to be selected by the owner thereof, or the homestead of a family not exceeding forty acres, which said land shall not be included within any city or village, or instead thereof, (at the option of the owner) any lot or lots in any city or village, being the homestead of a family, and not exceeding in value dollars, shall not be subject to forced sale on execution for any debt or debts growing out of or founded upon contract, either express or implied, made after the adoption of this constitution: Provided, that such exemption shall not affect in any manner, any mechanic's or laborer's lien, or any mortgage thereon lawfully obtained, nor shall the owner, if a married man, be at liberty to alienate such real estate unless by consent of the wife."

And the question having been put,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Beall, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Carter, Chamberlain, Horace Chase, Clark, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Goodell, Graham, Gray, Green, George B. Hall, Hammond, Harkin, Hazen, Hesk, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, MaGone, Manahan, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Pierce, Mr. President, Randall, Reed, Rogan, Seaver, A. Hyatt Smith, Sewall Smith, William R. Smith, Toland, Topping, Vliet, Wakely and Wilson—67.

Those who voted in the negative, were

Messrs. Hiram Barber, J. Allen Barber, Bell, Bennett, Bevans, Brace, Burt Clothier, Cooper, Cruson, Gibson, Giddings, Gillmore, Goodrich, Granger, Hackett, Hayes, Hicks, N. F. Hyer, Inman, James, Mills, Patch, Parsons, Prentiss, Ryan, Geo. R. Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard and White—35.

Marshall M. Strong moved to amend the amendment by inserting after the words, "laborer's lien," the words "or the lien of any person who may have furnished materials to make improvement on such forty acres or town lots."

Mr. Randall moved the previous question.

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on the adoption of the amendment of Marshall M. Strong,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs Baker, J. Allen Barber, Bevans, Brace, Burnside, Burt, Cooper, Cruson, Elmore, Fitzgerald, Giddings, Gilmore, Gray, Hackett, Harkin, Hicks, Hill, Heubschmann, Geo. Hyer, Joseph Kinney, Madden, Mills, Parkinson, Prentiss, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakeley and White—37.

Those who voted in the negative, were

Messrs. Hiram Barber, Bell, Bennett, Bowen, Bowker, Boyd, Chas. E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Clothier, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fuller, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hammond, Hazen, Hesk, Holcomb, Hunkins, N. F. Hyer, Inman, James, Janssen Jenkins, Judd, Asa Kinney, Lovell, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Pierce, Mr. President, Randall, Seaver, Geo. B. Smith, Wm. R. Smith, Topping, Vliet and Wilson—58.

The question was then put on adopting the amendment of Mr. Parsons as amended,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baker, Bell, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burnside, Carter, Chamberlain, Horace Chase, Clark, Clothier, Coxe, Crawford, Cruson, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Gillmore, Goodell, Graham, Geo. B. Hall, Hammond, Harkin, Hazen, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, Janssen, Judd, Asa Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Parkinson, Parks, Pierce, Mr. President, Randall, Rogan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Topping, Vliet and Wilson—63.

Those who voted in the negative, were

Messrs. Hiram Barber, J. Allen Barber, Bennett, Bevans, Bowen, Burt, Cooper, Giddings, Goodrich, Granger, Gray, Green, Hackett, Hesk, Hicks, N. F. Hyer, James, Jenkins, Joseph Kinney, Mills, Patch, Parsons, Prentiss, Reed, Ryan, George B. Smith, John Y. Smith, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakely and White—34.

The question was then put on ordering the said artice to be engrossed for its third reading.

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Burnside, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fuller, Goodell, Goodrich, Graham, Geo. B. Hall, Hammond, Hazen, Hill, Holcomb, Hunkins, N. F. Hyer, Janssen, Jenkins, Judd, Asa Kinney, Lovell, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Parks, Parsons, Pierce, Mr. President, Randall, Rogan, Seaver, George B. Smith, Wm. R. Smith, Topping, Vliet and Wilson—58.

Those who voted in the negative, were

Messrs. Hiram Barber, J. Allen Barber, Bevans, Brace, Burt, Clothier, Cruson, Fitzgerald, Gibson, Giddings, Gillmore, Granger, Gray, Green, Hackett, Harkin, Hesk, Hicks, Heubschmann, Inman, James, Joseph Kinney, Madden, Mills, Patch, Parkinson, Prentiss, Reed, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Vineyard, Wakely and White—40.

Mr. Magone moved that the vote ordering the said article to be engrossed for its third reading, be reconsidered.

Mr. Dennis moved to postpone the consideration of the said motion until Monday next.

Which was disagreed to.

Mr. Fitzgerald moved that the convention adjourn.

Which was disagreed to.

The question then recurred on the motion of Mr. Magone;

And having been put,

It was decided in the negative.

Mr. Manahan moved that the rules be suspended, and that said article be read the third time now.

And pending the question thereon,

On motion of Mr. Elmore,

The convention adjourned.

MONDAY, DECEMBER 7, 1846.

Prayer by the Rev. Mr. Miner.

The reading of the journal of Saturday was dispensed with.

Mr. Hesk presented the petition of citizens of Waukesha county, asking that no additional oath be required of foreigners to entitle them to the rights of citizenship.

Which was referred to the same committee of the whole which shall have under charge the schedule.

Mr. Ellis introduced the following resolution, which was read, to wit:

"Resolved, That the committee on contested elections be requested to inquire into the exediency of paying the expenses of M. J. Bovee, in contesting his seat in the convention against Charles Burchard."

Mr. Manahan introduced the following resolution, which was read, to wit:

"Resolved, That the following be adopted and made an article of the constitution, viz:

Sec. 1. Every act of incorporation which shall be passed by the legislature of this State, shall at all times be subject to amendment, alteration or repeal, at the pleasure of the legislature."

The resolution introduced by Mr. Dennis on the 5th instant, relative to State Printer,

Was taken up,

Read the first and second times, and

Referred the committee of the whole.

Moses M. Strong moved that the committee of the whole be discharged from the further consideration of said resolution, and that the same be indefinitely postponed.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Berry, Bowen, Brace, Charles E. Brown, Burchard, Carter, Clothier, Coxe, Crawford, Dickinson, Drake, Ellis, Fuller, Goodrich, Graham, Geo. B. Hall, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Holcomb, Hunkins, James, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Manahan, Moore, Noggle, O'Connor, Patch, Parkinson, Pierce, Mr. President, Reed, Rogan, Ryan, A.

Hyatt Smith, Soper, Moses M. Strong, Toland, Vliet, Wakely, White and Wilson—49.

Those who voted in the negative, were,

Messrs. Bennett, Chamberlain, Horace Chase, Cooper, Elmore, Fitzgerald, Goodell, Hill, Heubschmann, Inman, Lovell, Magone, Parsons, Randall, Sewall Smith, William R. Smith, Marshall M. Strong, Turner and Tweedy—19.

Mr. Ryan moved to reconsider the vote discharging the committee of the whole from the further consideration of said resolution, when

Mr. Burchard moved a call of the convention.

Which was seconded.

Moses M. Strong moved that all further proceedings under the call be dispensed with.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Atwood Hiram Barber, Bell, Berry, Bowen, Boyd, Brace, Charles E. Brown, Carter, Horace Chase, Clothier, Coxe, Crawford, Dickinson, Ellis, Goodell, Graham, George B. Hall, Hammond, Harkin, Hesk, Holcomb, Hunkins, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Manahan, Meeker, Moore, Noggle, Patch, Parkinson, Pierce, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, William R. Smith, Marshall M. Strong, Moses M. Strong, Toland, Topping, Wakely, White and Wilson—47.

Those who voted in the negative were,

Messrs. Bennett, Burchard, Cooper, Drake, Elmore, Fitzgerald, Fuller, Gillmore, Goodrich, Green, Hazen, Hicks, Hill, Heubschmann, Inman, James, Judd, Lovell, Magone, O'Connor, Parsons, Randall, Reed, Seaver, Geo. B. Smith, Turner and Tweedy—27.

The question then recurred on the motion of Mr. Ryan, when

M. Burchard moved that the same be laid upon the table.

Which was disagreed to.

The question was then put upon the motion of Mr. Ryan,

And was decided in the affirmative.

The question was then put on the motion of Moses M. Strong, to discharge the committee of the whole from the further consideration of the said resolution,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Berry, Bowen, Brace, Charles E. Brown, Carter, Chamberlain, Clark, Coxe, Crawford, Dickinson, Ellis, Fuller, Goodrich, Graham, Geo. B. Hall, Hammond, Harkin, Hayes, Hesk, Hicks,

Holcomb, Hunkins, James, Janssen, Jenkins, Asa Kinney, Joseph Kinney, Manahan, Moore, Noggle, O'Connor, Parkinson, Parks, Pierce, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, Soper, Moses M. Strong, Toland, Vliet, Wakeley, White and Wilson —48.

Those who voted in the negative were,

Messrs. Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bevans, Bowker, Boyd, Burchard, Burt, Horace Chase, Clothier, Cooper, Dennis, Doty, Drake, Elmore, Fitzgerald, Gillmore, Goodell, Granger, Gray, Green, Hazen, Hill, Heubschmann, N. F. Hyer, Inman, Judd, Lovell, Magone, Meeker, Patch, Parsons, Randall, Seaver, Wm. R. Smith, Marshall M. Strong, Topping, Turner and Tweedy—42.

Marshall M. Strong, from the committee on engrossment, reported,

No. 32. "Article on the rights of married women, and on exemption from forced sale,"

As correctly engrossed.

Article No. 32, was then read the third time, when

Mr. Lovell moved that the rules be suspended in order to refer the article to a select committee of five, with instructions to amend the same,

1st. By striking out the first section.

2nd. By substituting for the 2nd section, in substance the following: "A homestead not exceeding one thousand five hundred dollars in value, shall be exempt from forced sale on judgment and execution for any debt contracted after the registry of such homestead; and laws shall be passed providing for such registry."

And the question having been put on the suspension of the rules,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Berry, Brace, Burt, Clark, Clothier, Fitzgerald, Gibson, Giddings, Gray, Harkin, Hayes, Hicks, Holcomb, Heubschmann, Inman, Jenkins, Joseph Kinney, Lovell, Parkinson, Parks, Parsons, Prentiss, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakely and White—37.

Those who voted in the negative, were

Messrs. Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fuller, Gillmore, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hammond,

Hazen, Hesk, Hill, Hunkins, N. F. Hyer, James, Janssen, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Pierce, Randall, Seaver, Geo. B. Smith, Wm. R. Smith, Toland, Topping, Vliet and Wilson—58.

Mr. Hunkins moved that the blank be filled with "one thousand dollars"

J. Allen Barber moved to fill the blank with "five thousand dollars."

Mr. Ryan moved a call of the convention.

Which was seconded.

And Messrs. Atwood, John M. Babcock, Hiram Brown, Burnside, Combs, Cruson, Hackett, James H. Hall, George Hyer, Madden, Mills, Reed, Moses M Strong and Vineyard, reported absent.

Messrs. Cruson, Vineyard, George Hyer, Combs. Hackett, Mills and John M. Babcock were excused from their attendance.

The sergeant-at-arms was sent for the absentees.

Asa Kinney moved that all further proceedings under the call be dispensed with.

Which was agreed to.

And a division having been called for,

There were 52 in the affirmative,

Negative not counted.

Mr. Dennis moved the previous question.

Which was ordered,

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been first put on filling the blank with "five thousand dollars,"

It was decided in the negative.

The question was then put on filling the blank with "one thousand dollars,"

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Geo. B. Hall, Hammond, Hazen, Hesk, Hill, Hunkins, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Mr. Presi-

dent, Randall, Rogan, Seaver, A. Hyatt Smith, Geo. B. Smith, Wm. R. Smith, Toland, Topping, Vliet and Wilson—68.

Those who voted in the negative, were

Messrs. J. Allen Barber, Berry, Brace, Burt, Fitzgerald, Gillmore, Gray, Harkin, Hayes, Hicks, Holcomb, Heubschmann, Joseph Kinney, Lovell, Parkinson, Prentiss, Reed, Ryan, Sewell Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakely and White—27.

The question was then put on the passage of the said article,

And was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative were,

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burchard, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Elmore, Fuller, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hammond, Hazen, Hesk, Hill, Hunkins, N. F. Hyer, James, Janssen, Jenkins, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Parsons, Pierce, Mr. President, Randall, Rogan, Seaver, George B. Smith, Wm. R. Smith, Topping, Vliet and Wilson—61.

Those who voted in the negative, were

Messrs. J. Allen Barber, Berry, Brace, Burt, Clark, Clothier, Fitzgerald, Gibson, Giddings, Gillmore, Gray, Harkin, Hayes, Hicks, Holcomb, Heubschmann, Inman, Joseph Kinney, Lovell, Parkinson, Parks, Prentiss, Reed, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Marshall M. Strong, Moses M. Strong, Turner, Tweedy, Wakeley and White—34.

So the article passed and the title thereof was agreed to.

On motion of Mr. Magone,

The convention took a recess until 2 o'clock P. M.

TWO O'CLOCK, P. M.

The convention resolved itself into committee of the whole, for the consideration of

No. 17. "Article on the name and boundaries of the State."

Mr. Hunkins in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported the same back with amendments.

And the question being on concurring in the amendments of the committee of the whole thereto,

A division of the question was called for,

And the question having been put on concurring in the first amendment of the committtee, which was to strike out the words "and for the purpose of obtaining admission into the Union," where they occur in the first section,

It was decided in the affirmative.

The question was then put on concurring in the second amendment of the committee which was to strike out all of the 1st section, after the words, "August 6, 1846."

And was decided in the affirmative.

The question was then put on concurring in the third amendment of the committee, which was to add to the first section the following proviso:

"Provided, however, That the following alteration of the aforesaid boundary be and hereby is proposed to the congress of the United States, as the preference of the State of Wisconsin, and if the same shall be assented and agreed to by Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz: leaving the aforesaid boundary line at the aforesaid first rapids, in the river Saint Louis; thence southwardly in a direct line to the mouth of Clear Water Creek, emptying into Lake Pepin, as marked upon the map by Nicolett; thence to the centre of Lake Pepin opposite the mouth of Clear Water Creek; thence down the middle of Lake Pepin and continuing down the centre of the main channel of the Mississippi river, as prescribed in the aforesaid boundary."

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Boyd, Clothier, Dennis, Elmore, Fuller, Giddings, Goodel', Goodrich, Graham, Green, Hayes, Hicks, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Judd, Asa Kinney, Lovel', O'Connor, Patch, Prentiss, Mr. President, Randa l, Rogan, Sewa'l Smith, John Y. Smith, Soper, Moses M. Strong, Toland, Topping, Tweedy, Vliet, Wakely and Wilson—40.

Those who voted in the negative, were

Messrs. J. Allen Barber, Bennett, Berry, Bevans, Bowen, Bowker, Charles E. Brown, Burchard, Burt, Carter, Chamberlain, Horace Chase, Coxe, Crawford, Dickinson, Doty, Drake, Dunning, Ellis, Fitzgerald, Gibson, Gillmore, Granger, Gray, George B. Hall, Hammond, Harkin, Hesk, Hill, Inman, James, Janssen, Jenkins, Joseph Kinney, MaGone, Manahan, Meeker, Noggle, Parkinson, Parsons, Pierce, Ryan, Seaver, A. Hyatt Smith, William R. Smith, Turner, and White—47.

The fourth amendment of the committee which was to insert in the second section, between the words "may" and "be," the words, "by and with the consent of Congress," was then concurred in.

The amendments having been all disposed of,

Moses M. Strong moved to amend the said article by striking out the second section.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been ca led for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Clothier, Crawford, Dickinson, Dunning, Ellis, E more, Graham, Granger, Green, Hammond, Harkin, Hayes, Ho comb, Hunkins, N. F. Hyer, Inman, Asa Kinney, Joseph Kinney, Lovel', Manahan, Patch, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Moses M. Strong, Tweedy and Wakely—41.

Those who voted in the negative, were

Messrs. J. Allen Barber, Beall, Be l, Bennett, Bevans, Burchard, Burt, Chamberlain, Horace Chase, Clark, Coxe, Dennis, Doty, Drake, Fitzgerald, Fu ler, Gibson, Giddings, Gillmore, Goodel', Goodrich, Gray, Geo B. Hall, Hill, Heubschmann, James, Janssen, Jenkins, Judd, Magone, Meeker, Nogg e, O'Connor, Parkinson, Parsons, Pierce, Prentiss, Randal', Seaver, George B. Smith, Wm. R. Smith Toland, Topping, Turner, Vliet, White and Wilson—17.

Mr. Jenkins moved to amend the first section by adding the following proviso, to wit;

"Provided however, That the admission of this state into the Union, according to the boundaries above described, shall not in any manner affect or prejudice the right of this state to the boundaries which were "fixed and established" for the fifth division or state of the Northwestern Territory in and by the fifth article of compact in the ordinance of Congress for the government of the territory northwest of the river Ohio, passed July 13, 1787, and by an act to divide the Indiana Territory into two separate governments, approved the 11th day of January, 1805, which said boundaries are as follows, to wit: on the south by an east and west line drawn through the southerly bend or extreme of Lake Michigan to the Mississippi river; on the west by the Mississippi river from the point where the said line intersects the middle of said river to its source; and thence due north to the forty-ninth parallel of latitude; on the east by a line drawn from the said southerly bend of Lake Michigan through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States; and on the north by the said northern boundary."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. J. A. Barber, Beall, Burchard, Burt, Chamberlain, Horace Chase, Dennis, Doty, Drake, Gibson, Giddings, Gillmore, Goodell, Goodrich, Gray, George B. Hall, Hayes, Hazen, Hesk, Hicks, Hill, James, Janssen, Jenkins, Judd, Meeker, Noggle, Parkinson, Randall, Seayer, Geo. B. Smith, William R. Smith, Moses M. Strong, Topping, Vliet, White and Wilson—37.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Clothier, Coxe, Crawford, Dickinson, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Graham, Granger, Hammond, Harkin, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Inman, Asa Kinney, Joseph Kinney, Lovell, Magone, Manahan, O'Connor, Parsons, Pierce, Mr. President, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Toland, Turner, Tweedy and Wakely—49.

Mr. Crawford moved to amend the article by striking out all after the figures, "1846," in the 4th line of the first section, to the third section, and insert as follows:

"Which said boundaries are as follows to wit: "Beginning at the northeast corner of the state of Illinois, that is to say, at a point in the centre of Lake Michigan where the line of forty two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the state of Michigan

through lake Michigan and Green Bay to the mouth of the Menomonee river; thence up the channel of said river to the Brule river, thence up said last mentioned river shore to lake Brule; thence along the southern shore of lake Brule in a direct line to the centre of the channel between middle and south islands in the lake of the Desert; thence in a direct line to the head waters of Montreal river, as marked upon the survey made by Captain Cram; thence down the main channel of Montreal river to the middle of lake Superior; th-nce through the centre of lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollett's map; thence due south to the main branch of the St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the northwest corner of the state of Illinois; thence due east with the northern boundary of the state of Illinois to the p'ace of beginning, as established by "an act to enable the people of I linois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states." Approved April eighteen, eighteen hundred and eighteen.

Sec. 2. Be it further ordained that to prevent all disputes in reference to the jurisdiction of Isands in the said Brule and Menominee rivers, the line may be so run as to include within the jurisdiction of Michigan, all the islands in the Brule and Menominee rivers, (to the extent in which said rivers are adopted as a boundary) down to and inclusive of the Quinisec Falls of the Menominee, and from thence the line may be so run as to include withln the jurisdiction of Wisconsin, all the islands in the Menominee river, from the falls aforesaid, down to the junction of said river with Green Bay: Provided that the adjustment of the boundary as herein fixed between this state and Michigan, shall not be binding on this state, unless the same shall be ratified by the State of Michigan, on or before the first day of June, 1848."

Moses M. Strong moved a call of the convention,

Which was ordered, and

Messrs. Brace, Burnside, Burt, Chamberlain, Clark, Combs, Cruson, Dennis, Gray, Green, Hill, George Hyer, Joseph Kinney, Madden, Mills, Moore, Parsons, Phelps, Randall, Reed, Marshall M. Strong, Vineyard and White reported absent.

*Mr. Ma*gone moved that the absentees be excused.

Which was agreed to.

The question then recurred on the amendment of *Mr* Crawford,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, John M Babcock, Baker, Hiram Barber, Charles E. Brown, Carter, Cooper, Clothier, Crawford, Dickinson, Dunning, Ellis, Elmore, Fitzgera'd, Graham, Hammond, Harkin, Hesk, Hunkins. N. F. Hyer, Inman, Asa Kinney, Joseph Kinney, Lovell, Patch, Parks, Mr. President, Reed, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, John Y. Smith, Soper, Moses M. Strong, Tweedy and Wakeley—37.

Those who voted in the negative, were

Messrs. J. Allen Barber, Beall, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Brace, Burchard, Burt, Chamberlain, Horace Chase, Coxe, Dennis, Doty, Drake, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Gray, George B. Ha'l, Hayes, Hazen, Hicks, Hill, Holcomb, Heubschmann, James, Janssen, Jenkins, Judd, Magone, Manahan, Meeker, Noggle, O'Connor, Parkinson, Parsons, Pierce, Prentiss, Randall, Seaver, George B. Smith, Wm. R. Smith, Toland, Topping, Turner, Vliet, White and Wilson—55.

The question was then put on ordering the said article to be engrossed for its third reading,

And was decided in the affirmative.

Moses M. Strong moved that the vote ordering the said article to be engrossed be reconidered.

Which was disagreed to.

On motion of Mr. Hunkins,

The convention took a recess until seven o'clock, P. *M.*

SEVEN O'CLOCK, P. M.

Mr. Hayes, by leave, presented the accounts of Blanchard & Co., and Hall & Baxter, for crape;

Which were referred to the committee on expenses.

The President presented the resignation of Marshall M. Strong, as a member of this convention.

Resolution No. 1. of December 2nd,

Was taken up; when

Moses M. Strong moved that the same be indefinitely postponed.

Which was agreed to.

The convention then resolved itself into committee of the whole, for the consideration of,

No. 34. "Schedule."

Mr. Lovell in the chair.

And after some time spent therein, the committee rose,

And pending the report of said committee,

Moses M. Strong moved a call of the convention.

Which was ordered, and

Messrs. Atwood, Bell, Bennett, Berry, Bevans, Bowker, Charles E. Brown, Burchard, Burnside. Burt, Carter, Clark, Clothier, Combs, Gruson, Dennis, Doty, Dunning, Ellis, Elmore, Goodell, Granger, Green, George B. Hall, Hayes, Hazen, Hesk, George Hyer, Inman, Joseph Kinney, Madden, Meeker, O'Connor, Patch, Parsons, Sewall Smith, John Y. Smith, Soper, Topping, Vineyard, Vliet and Wilson, reported absent.

Messrs. Madden, Cruson, Vineyard, Vliet, George Hyer, Green, Berry and Burnside were excused from their attendance.

Mr. Phelps moved that the convention adjourn.

Which was disagreed to.

Mr. Hunkins moved that the absentees be excused from their attendance;

Which was disagreed to,

Mr. Phelps moved that the convention adjourn;

Which was agreed to.

So the convention adjourned.

TUESDAY, December 8, 1846.

Prayer by the Rev. Mr. McHugh.

The reading of the journal of yesterday was dispensed with.

Mr. Lovell, from the committee of the whole, reported progress on

No. 34. "Schedule."

And asked leave to sit again.

Leave was granted.

Mr. Hunkins, from the committee on engrossment, reported

No. 17. "Ordinance in relation to the boundaries of Wisconsin,"

As correctly engrossed.

The resolution introduced by Mr. Harkin, on the 5th inst., relative to naturalization,

Was taken up; when

Mr. Dennis moved that the same be laid upon the table.

Which was agreed to.

The resolution introduced by Mr. Ellis on the 7th inst., relative to paying M. J. Bovee his expenses in contesting the seat of Mr. Burchard,

Was taken up and adopted.

The resolution introduced on yesterday by Mr. Manahan, relative to corporations,

Was taken up,

Read the 1st and 2nd times, and referred to the committee of the whole.

Mr. Reed moved that leave of absence be granted to Mr. Tweedy.

Mr. Lovell moved to amend the motion by adding "after to-day."

And pending the question thereon,

On motion of Mr. Lovell,

The said motion was laid on the table.

No. 17. "Ordinance relative to the boundaries of Wisconsin,"

Was read the third time, when

A. Hyatt Smith moved that the same be referred to a select committee, with instructions to strike out the second section.

And the rules having been first suspended for the consideration of said motion,

Mr. Doty moved to amend the motion to strike out the instructions,

Which was disagreed to.

The question then recurred on the motion of A. Hyatt Smith.

And having been put,

It was decided in the affirmative.

The President announced the appointment of the following committee under said resolution, to wit:

Messrs. A. Hyatt Smith, Doty, Hunkins, Coxe and James.

The convention then resolved itself into committee of the whole for the consideration of

No. 34. "Schedule."

Mr. Lovell in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported the same back with amendments.

And the question being on concurring in the amendments of the committee of the whole,

A division of the question was called for.

And the question having been put on concurring in the 1st, 2nd, 3d, and 4th amendments of the committee, they were severally concurred in.

And the question being on concurring in the 5th amendment of the committee, which was to amend the 10th section, by inserting the following after the word "convention," in the third line to wit:

"And all persons having such qualifications at the time last aforesaid, shall be entitled to vote for or against the adoption of this constitution, and for all officers to be elected under it;"

And to strike out in the third line, the word 'same," and insert the word "constitution."

Mr. Turner moved to amend the amendment by inserting after the word "persons." the word "foreigners," and to add as follows, to wit:

"Foreigners so being qualified to vote for the adoption of this constitution, shall forever thereafter be qualified to vote for all officers elective under, or contemp'ated by this constitution, by first taking and subscribing an oath to support the constitution of the United States."

Which was disagreed to.

And the question having been put on concurring in the 5th amendment of the committee,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Berry, Bowen, Bowker, Boyd, Charles E. Brown, Carter, Cham-

berlain, Horace Chase, Clark, Coxe, Crawford, Dennis, Doty, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Goodell, Goodrich, Graham, Granger, Green, Hammond, Hesk, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen. Judd, Asa Kinney, Joseph Kinney, Madden, Magone, Manahan, Noggle, O'Connor, Patch, Pierce, Mr. President, Randall. Rankin, Reed, Rogan, Seaver, George B. Smith, Sewall Smith, John Y. Smith, William R. Smith, Toland, Viet, Wakeley and Wilson—62.

Those who voted in the negative, were

Messrs. J. Allen Barber, Bevans, Brace, Hiram Brown, Burchard, Burt, Clothier, Dickinson, Drake, Giddings, Gilmore, Gray, Harkin, Hayes, Hazen, Hicks, Hill, Holcomb, Jenkins, Lovell, Meeker, Parkinson, Parks, Parsons, Phelps, Ryan, Soper, Moses M. Strong, Turner, Tweedy and White—31.

On motion of Mr. Baker,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

Article No. 34,

Was taken up;

And the question having been put on concurring in the 6th amendment of the committee of the whole,

It was decided in the affirmative.

The question was then put on concurring in the 7th amendment, which was to strike the words "President of the convention," wherever they occur in the article, except in the 8th section, and insert the words "Governor of the Territory,"

And was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, J. Allen Barber, Bennett, Berry, Bevans, Boyd, Brace, Chamberlain, Crawford, Dickinson, Fitzgerald, Goodrich, Graham, Green, Hammond,

Hayes, Hazen, Hicks, Heubschmann, Hunkins, Inman, Jenkins, Joseph Kinney, Lovell, Madden, Manahan, Noggle, Patch, Parkinson, Parsons, Mr. President, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Topping, Turner, Tweedy, Wakely and White—48.

Those who voted in the negative, were

Messrs. Beall, Bell, Bowen, Bowker, Charles E. Brown, Hiram Brown, Burchard, Carter, Horace Chase, Clothier, Cooper, Coxe, Dennis, Doty, Drake, Ellis, Elmore, Fuller, Gibson, Giddings, Goodell, Granger, Gray, Geo. B. Hall, Harkin, Hesk, Hill, Holcomb, N. F. Hyer, James, Janssen, Judd, Asa Kinney, Magone, Moore, O'Connor, Parks, Randall, Rankin, George B. Smith, Toland, Vliet and Wilson—43.

The question was then put on concurring in the 8th amendment of the committee, which was to strike out the words "second Monday of October," in the 12th section, and insert the words "the second Monday of June."

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Carter, Chamberlain, Coxe, Crawford, Dennis, Dickinson, Drake, Fitzgerald, Goodrich, Graham, Granger, Green, Harkin, Hayes, Hicks, Hill, Holcomb, Heubschmann, George Hyer, Inman, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Manahan, Noggle, O'Connor, Patch, Parkinson, Parsons, Mr. President, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Topping, Vliet, Wakely, White and Wilson—60.

Those who voted in the negative, were

Messrs. Hiram Barber, J. Allen Barber, Beall, Charles E. Brown, Hiram Brown, Burchard, Horace Chase, Clothier, Cooper, Doty, Ellis, Elmore, Gibson, Giddings, Gillmore, Gray, Geo. B. Hall, Hammond, Hazen, Hesk, N. F. Hyer, James, Moore, Parks, Randall, Reed, George B. Smith, Turner and Tweedy—29.

The ninth amendment of the committee of the whole was then concurred in.

The question being on concurring in the 10th amendment of the committee, which was to insert as Sec. 14.

"Sec. 14. All persons to be eligible to any officee in this state, shall have the qualifications of electors as specified in article number 1, on suffrage and the elective franchise."

Mr. Hicks moved to amend the amendment by striking out all after the word "electors;"

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Berry, Bowker, Burchard, Clothier, Doty, Elmore, Graham, Harkin, Hicks, Holcomb, Jenkins, Magone, Randall, Reed, Ryan, Geo. B. Smith and Turner—17.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Bennett, Bevans, Bowen, Boyd, Brace, Charles E. Brown, Hiram Brown, Burt, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Drake, Dunning, Ellis, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Goodrich, Granger, Gray, Green, Geo. B. Hall, Hayes, Hazen, Hesk, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Moore, Noggle, O'Connor, Parkinson, Mr. President, Seaver, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Topping, Tweedy, Vhet, Wakely, White and Wilson—68.

The 10th amendment of the committee was then concurred in.

The 11th amendment of the committee, which was to insert in the 14th section, after the word "judge," the words "notary public,"

Was then concurred in.

The amendments of the committee having all been disposed of,

Moses M. Strong moved to amend sec. 11, by striking out all after the words "counties of," and insert the following words, viz:

"Brown, Manitowoc, Calumet, Winnebago, Fond du lac, Sheboygan, Marquette, Dodge, Washington, Jefferson, Waukesha, Milwaukee, Racine, Walworth and Rock, shall constitute the first congressional district, and elect one member; and the counties of Columbia, Portage, Dane, Sauk, Green, Iowa, Grant, Crawford, Chippewa, La-Point, Richland and St. Croix, shall constitute the second congressional district, and shall elect one member.

Which was disagreed to.

Mr. Ryan moved to amend by striking out the 11th section.

And pending the question thereon,

Moses M. Strong moved to amend by striking out all after the words "counties of," where they first occur and insert as follows:

"Brown, Manitowoc, Calumet, Winnebago, Fond du lac, Sheboygan, Washington, Milwaukee, Waukesha, Racine and Walworth shall constitute the first congressional district, and elect one member; and the counties of Marquettee, Columbia, Portage, Sauk, Dodge, Jef-

ferson, Dane, Rock, Green, Iowa, Grant, Rich'and, Crawford, Chippewa, St. Croix and LaPoint shall constitute the second congressional district, and shall e'ect one member."

Mr. Ryan moved to amend the amendment by striding out "Winnebago," where it occurs, and insert it after the word "Grant."

And the question having b en put,

It was decided in the negative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Beall, Elmore, Harkin, Lovell, Reed, Ryan and A. Hyatt Smith—7.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Char'es E. Brown, Hiram Brown, Burchard, Carter, Chamberlain, Horace Chase, Clothier, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, E lis, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, Granger, Gray, Green, George B. Hall, Hammond, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Madden, Manahan, Meeker, Moore, Nogg'e, O'Connor, Parkinson, Parks, Parsons, Pierce, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, Geo. B. Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Topping, Turner, Tweedy, Vliet, Wakely, White and Wilson—86.

The question then recurred on the amendment of Moses M. Strong,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Baker, Bell, B nnett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Carter, Chamberlain, Coxe Dickinson, Gi lmore, Goodrich, Hammond, Hayes, Hicks, Holcomb, Hunkins, Inman, James, Jenkins, Joseph Kinney, Lovell, Madden, Moore, Parkinson, Parks, Parsons, Pierce, Randall, Reed, Seaver, A. Hyatt Smith, Sewall Smith, Sop r, Moses M. Strong, Topping, Wakely, White and Wilson—43.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Charles E. Brown, Burchard, Horace Chase, Clothier, Cooper, Crawford, Dennis, Doty, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Goodell, Graham, Granger, Gray, George B. Hall, Harkin, Hazen, Hesk, Hill, Heubschmann, George Hyer, N. F. Hyer, Janssen, Judd, Asa Kinney, Magone, Manahan, Meeker,

O'Connor, Prentiss, Mr. President, Rankin, Rogan, Ryan, Geo. B. Smith, William R. Smith, Toland, Turner, Tweedy and Vliet—51.

Moses M. Strong moved to amend the article by striking out all after the words "counties of," where they first occur in the 11th section, and insert,

"Brown, Manitowoc, Calumet, Fond du lac, Sheboygan, Washington, Milwaukee, Waukesha, Racine and Walworth shall constitute the first congressional district, and elect one member; and the counties of Marquette, Winnebago, Columbia, Portage, Sauk, Dodge, Jefferson, Dane, Rock, Green, Iowa, Grant, Richland, Crawford, Chippewa, St. Croix and LaPoint, shall constitute the second congressional district, and shall elect one member."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Carter, Cooper, Coxe, Dickinson, Ellis, Goodrich, Hammond, Harkin, Hayes, Hicks, Holcomb, Hunkins, Inman, James, Jenkins, Joseph Kinney, Lovell, Madden, Moore, Noggle, Parkinson, Parks, Pierce, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Soper, Moses M. Strong, Topping, Tweedy, Wakely and White—45.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Charles E. Brown, Burchard, Horace Chase, Clothier, Crawford, Dennis, Coty, Drake, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Graham, Granger, Gray, Geo. B. Hall, Hazen, Hesk, Hill, Heubschmann, George Hyer, N. F. Hyer, Janssen, Judd, Asa Kinney, Magone, Manahan, Meeker, O'Connor, Patch, Prentiss, Mr. President, Rankin, Rogan, George B. Smith, William R Smith, Toland, Turner and Vliet—48.

Mr. Hicks moved to amend by striking out the words "Dane, Jefferson and Sauk," and insert "Racine," and strike out the word "Racine" and insert "Dane, Jefferson and Sauk."

Which was disagreed to.

The question then recurred on the amendment of Mr. Ryan, to strike out the 11th section,

And having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Baker, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Carter, Clothier, Cooper,

Dickinson, George B. Hall, Hammond, Harkin, Hayes, Hicks, Hunkins, James, Janssen Jenkins, Lovell, Madden, Moore, Noggle, Parkinson, Parks, Pierce, Randall, Reed, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, Soper, Moses M. Strong, Topping, Wakeley and White—42.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Chas. E. Brown, Burchard, Chamberlain, Horace Chase, Coxe, Crawford, Dennis, Doty, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gilmore, Goodell, Goodrich, Graham, Granger, Gray, Hazen, Hesk, Hill, Holcomb, Heubschmann, Geo. Hyer, N. F. Hyer, Inman, Judd, Asa Kinney, Joseph Kinney, Magone, Manahan, Meeker, O'Connor, Patch, Prentiss, Mr. President, Rankin, Rogan, Geo. B. Smith, Wm. R. Smith, Toland, Turner, Tweedy and Vliet—53.

Mr. Ryan moved that the vote rejecting the 2nd amendmendment of Moses M. Strong be reconsidered, when

Mr. Drake moved a call of the convention,

Which was ordered.

And Messrs. Bennett, Bevans, Brace, Burt, Combs, Cruson, Green, Hesk, Hunkins, Noggle, Parks, Parsons, Vineyard and Wilson, reported absent.

The serjeant-at-arms was sent for the absentees.

On motion of Mr. Elmore,

The absentees were excused from their attendance.

The question was then put on the motion of Mr. Ryan,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baker, Bell, Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Burnside, Carter, Cooper, Coxe, Dickinson, Dunning, Goodrich, Geo. B. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, Inman, James, Jenkins, Joseph Kinney, Lovel, Madden, Parkinson, Parks, Phelps, Pierce, Reed, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper, Moses M. Strong, Topping, Vineyard, Wakely and White—45.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Hiram Barber, J. Allen Barber, Beall, Charles E. Brown, Burchard, Horace Chase, Clark, Clothier, Crawford, Dennis, Doty, Drake, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Graham, Granger, Gray, Hazen, Hesk, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Janssen, Judd, Asa Kinney, Magone, Manahan, Meeker, Moore, Noggle, O'Connor, Patch, Prentiss, Mr. President, Randall, Rankin,

Rogan, George B. Smith, Wm R. Smith. Toland, Turner, Tweedy, Vliet and Wilson—54.

Mr. Bevans moved that the article be referred to a select committee of nine, with instructions to report a substitute for section 11, by dividing the state into congressional districts by a north and south line.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood. Baker, Bell. Bennett, Berry, Bevans, Bowen, Bowker, Boyd, Brace. Hiram Brown. Burnside, Carter, Chamberlain, Clothier, Cooper, Coxe, Dennis, Dickinson, Fitzgerald, Goodrich, Granger, George B. Hall, Hammond, Harkin, Hayes, Hicks, Holcomb, Inman, James, Jenkins, Asa Kinney, Joseph Kinney, Lovell, Meeker, Moore, Noggle, Patch, Parkinson, Parsons, Pierce, Prentiss, Mr. President, Randall, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Toland, Vineyard, Vliet, Wakeley and White—57.

Those who voted in the negative, were

Messrs. John M. Babcock, J. Allen Barber, Beall, Charles E. Brown, Burchard, Horace Chase, Clark, Crawford, Doty, Drake, Ellis, Elmore. Gibson, Giddings, Gillmore, Goodell, Graham, Gray, Hazen, Hesk, Hill, Hunkins, George Hyer, Janssen, Judd, Magone, O'Connor, Parks, Phelps, Rankin, George B. Smith, Turner and Tweedy—33.

Mr. Vineyard moved that the vote on the passage of

No. 1. Resolution on negro sufirage, be reconsidered, and also

Moved that the consideration of said motion be postponed until tomorrow.

And pending the question thereon,

On motion of Mr. Phelps,

The convention adjourned.

WEDNESDAY, December 2, 1846.

Prayer by the Rev. Rev. Mr. Miner.

The reading of the journal of yesterday was dispensed with.

The President announced the appointment of the following committee, to whom was referred

No 31, Schedule, to wit:

Messrs. Bevans, Jenkins, Baker, Bennett, Turner, Randall, Wilson Pierce and Goodell.

A. Hyatt Smith from the select committee to whom was referred

No. 17. "Article relative to the boundary of the sttate."

Reported the same back with an amendment.

Mr. Burt from the select committee to whom that subject had been referred, reported

No. 37. "Article relative to clerical service."

The committee to whom was referred the resolution of November the 27th instructing them to enquire into the expediency of reporting a provision prohibiting the legislature from appropriating public money to the payment of any clerical service whatever, beg leave to report the following article, preamble, resolution and accompanying documents, viz:

Whereas, The committee are apprised of the difficulties which lay in our way; the alarm we are about to create; the feelings we should probably disturb, the interest we should most certainly assail; and the passions we might possibly excite; though advised of the force we should have to encounter, and the prejudices we should have to combat; though admonished of the hazard we were about to run; the animadversion we should incur, and the defeat which probably awaited us; yet all this threatened array of multiform opposition served but as further evidence or confirmation strong, of a legislative and a clerical influence, and operated as additional incentives to a firm stand on the ground we had taken, and an unyielding effort to maintain the civil, religious and mental liberties of our constituents and the whole people.

Therefore, be it resolved that the committee be instructed to report the following article and accompanying documents:

ARTICLE

The legislatvre shall have no power to appropriate money to the payment of any clerical officer or service whatever.

The committee most respectfully would ask leave to present some of the reasons by which they have been governed in the discharge of the duty assigned them, viz:

Istly. In the organization of a compact of civil and political government it becomes necessary to surrender a portion of our natural rights for securing to all greater and more important objects, such as the protectioon of property, life, liberty of person conscience, the just, equitable and impartial administration of laws.

Which was read the 1st and 2nd times, and

The question being on referring the same to the committee of the whole and ordering the same to be printed,

A division of the question was called for.

A. Hyatt Smith moved that the further consideration of the said article be postponed until Monday next.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Bell, Bowen, Boyd, Charles E. Brown, Chamberlain, Cooper, Dickinson, Ellis, Fitzgerald, Fuller, Gibson, Giddings, Goodell, Granger, Hesk, Hicks, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Meeker, Mills, Noggle, Parkinson, Parsons, Mr. President, Rankin, Reed, Ryan, A. Hyatt Smith, Wm. R. Smith, Soper, Moses M. Strong, Vliet, Wakeley, White and Wilson—46.

Those who voted in the negative were,

Messrs. Hiram Barber, J. Allen Barber, Beall, Bowker, Hiram Brown, Burchard, Burt, Horace Chase, Clothier, Crawford, Dennis, Doty, Dunning, Elmore, Gillmore, Goodrich, Graham, Geo. B. Hall, Hammond, Harkin, Hill, Holcomb, Heubschmann, Jenkins, Magone, Manahan, Moore, Prentiss, Seaver, Sewall Smith, Toland, Topping and Turner—33.

Wm. R. Smith from the committee to whom the resolution relative to the treasurer had been referred, made the following report:

The committee to whom was referred resolution in relation to the amount, and distribution of the canal funds, appropriated for the payment of the expenses of the convention,

REPORT,

That having had interviews with the Treasurer of the Territory, and not considering it as expedient at this late period of the session of the convention, to examine his books and report a detailed statement of items of payments made by him out of the canal funds, to various persons and for various purposes, your committee requested of the Treasurer to make out a general statement of total amounts by him received and paid out of said funds.

By the accompanying documents received from the Treasurer of the Territory, the following result appears as his receipts and payments:

1846, June.	Paid by David Merrill, Receiver of the Milwaukee and Rock River Canal funds,	$12,211 10
" Oct.	Paid by David Merrill, Receiver &c.	11,236 15
	Total receipts by the Ter. Treasurer,	$23,447 25
1846,	Paid by Ter. Treasurer to members for mileage and per diem pay,	$8,656 60
	" officers per diem pay,	450 00
	" Chaplains per resolution	100 00
	" on account of appropriations,	1,753 99
	Total,	$10,960 59

The Territorial Treasurer also reports, by the accompanying letter, that there are no more funds in his hands for the purpose of paying the expenses of the convention.

Your committee observe that the Territorial Treasurer states his receipts in October last to have been $11,236 15

And his payments of convention expenses to have been 10,960 59

Leaving a dalance due to convention expenses of $275 56

Your committee also observe that the sum of $12,211 10 which was received by the Territorial Treasurer in June last, together with the above stated balance of $275 56 must have been paid out by the Treasurer to discharge some territorial indebtedness, other than the expenses of the convention, the items of which payments, your committee as above stated, have not obtained.

Respectfully submitted,

WM. R. SMITH, Chairman.

TREASURER'S OFFICE,
Madison, Dec. 7, 1846

Hon. Wm. R. Smith, Chairman.

In reply to your enquiries of the 5th inst., I have the honor to state that I have paid the expenses of the convention to the amount of $10,960 59, and that there are no more funds in my hands for that purpose.

Very respectfully,

Your ob't serv't.

J. LARKIN, Jr., Territorial Treasurer.

TREASURER'S OFFICE,
Madison, Dec. 7, 1846,

Hon. Wm. R. Smith, Chairman.

I have the honor further to report in reply to your enquiries, that the amount of my disbursments to the convention are as follows:

To members for mileage and per diem pay,	$8,656 60
" officers for per diem pay,	450 00
" Chaplains per resolution	100 00
On account of appropriations,	1,753 99
Total,	$10,960 59

The whole amount that has been paid into my hands from the sale of Canal Lands amounts in all to $23,447 25.

Very respectfully,

Your ob't serv't,

J. LARKIN, Jr., Treasurer.

I farther report that I received in the month of June, 1846, from David Merrill the Receiver of the Milwaukee and Rock River Canal funds $12,211 10

Likewise in October last, 11,236 15

$23,447 25

All of which is respectfully submitted.

J. LARKIN, Jr., Treasurer.

Mr. Baker moved that leave of absence be granted to Mr. Berry.

Leave was granted.

Mr. Parkinson asked that leave of absence be granted to Messrs. White and Burnside.

Leave was granted.

J. Allen Barber asked that leave of absence be granted to Mr. Gray.

Leave was granted.

Mr. Burchard introduced the following resolution, to wit:

"Resolved, That the use of this Hall be granted to the Rev. Mr. Codding, on Saturday evening, the 12th inst., for the purpose of delivering an anti-slavery lecture."

And the rules having been first suspended for the consideration of said resolution,

And the question having been put on the adoption of the said resolution,

It was decided in the affirmative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, Baker, Hiram Barber, Bell, Bowker, Boyd, Brace, Charles E. Brown, Burchard, Burt, Cooper, Crawford, Dennis, Dickinson, Doty, Drake, Edgerton, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Giddings, Gillmore, Goodell, Graham, Geo. B. Hall, Hammond, Harkin, Hayes, Hazen, Hicks, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Judd, Joseph Kinney, Magone, Mills, Moore, Noggle, Patch, Parsons, Prentiss, Randall, Rankin, Reed, Rogan, Seaver, George B. Smith, Sewall Smith, Soper, Toland, Topping, Wakely, White and Wilson—60.

Those who voted in the negative, were

Messrs. Atwood, J. Allen Barber, Beall, Bennett, Bowen, Hiram Barber, Burnside, Carter, Chamberlain, Horace Chase, Clark, Coxe, Dunning, Goodrich, Holcomb, Inman, James, Janssen, Jenkins, Asa Kinney, Lovell, Manahan, Meeker, Parkinson, Mr. President, Ryan, A. Hyatt Smith, Wm. R. Smith, Moses M. Strong, Turner and Vliet—31.

Mr. Hayes moved that the vote on the adoption of the said resolution be reconsidered,

Which was disagreed to.,

And a division having been called for,

There were 32 in the affirmative, and 44 in the negative.

The report of the se ect committee to whom had been referred Article No. 17.

Was then taken up,

And the question having been put on concurring in the amendment of the committee, which was to strike out the second section,

It was decided in the affirmative.

Mr. Holcomb moved to amend the article by adding to the 1st section the following proviso:

"Provided, however, that the following alteration of the aforesaid boundary be and hereby is proposed to the Congress of the United States as the preference of the state of Wisconsin, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the state of Wisconsin, viz: Leaving the aforesaid boundary line at the aforesaid first rapids in the river St. Louis; thence in a direct line southwardly to a point miles east of the most easterly point in Lake St. Croix; thence due south to the main channel of the Mississippi river or Lake Pepin; thence down the said main channel of Lake Pepin and the Mississippi River, as prescribed in the aforesaid boundary.

Mr Ryan moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

The question was then put on adopting the amendment of Mr. Holcomb,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative. were

Messrs. Baker, Hiram Barber, Beall, Bell, Bennett, Bowker, Hiram Brown, Burchard, Carter, Horace Chase, Clark, Combs, Dennis, Elmore, Fuller, Giddings, Goodrich, Graham, George B. Hall, Hayes, Hicks, Holcomb, Heubschmann, N. F. Hyer, Judd, Asa Kinney, Lovell, Magone, Manahan, Moore, Noggle, O'Connor, Patch, Parks, Prentiss, Mr President, Randall, Rankin, Reed, Rogan, Seayer, Sewell Smith, Soper, Moses M. Strong, Toland, Topping, Turner, Vliet and Wakely—49.

Those who voted in the negative were,

Messrs. Atwood, John M. Babcock, J. A. Barber, Burt, Chamberlain, Clothier, Cooper, Coxe, Crawford, Doty, Drake, Dunning, Ellis, Fitzgerald, Gibson, Gilmore, Granger, Hammond, Harkin, Hazen, Hesk, Hill, George Hyer, Inman, James, Janssen, Jenkins, Joseph Kinney, Madden, Meeker, Mills, Parkinson, Parsons, Ryan, A. Hyatt Smith, William R. Smith, White and Wilson—38.

The said article was then ordered to be engrossed for its third reading.

No. 33. "Article relative to duelling."

Was taken up, when

Mr. Giddings moved that the committee of the whole be discharged from the further consideration of said article,

Which was agreed to.

Mr. Baker moved to amend the said article by striking out the words "aider or abetter," and insert the words "any second to either party."

Which was disagreed to.

And a division having been called for,

There were 26 in the affirmative, and 30 in the negative.

Mr. Granger moved to amend the same by striking out the 6th section, and inserting

"Sec. 1. Any citizen of this state who may hereafter be engaged either directly or indirectly, in a duel, either as principal or accessary, shall forever be disqualified from holding any office under the constitution and laws of this state, and may be punished in such other manner as shall be prescribed by law."

Which was agreed to.

The said article was then ordered to be engrossed for its third reading.

No. 36. "Article relative to disqualification for office,"

Was taken up, when

Mr. Ryan moved that the committee of the whole be discharged from the consideration thereof,

Which was agreed to.

Mr. Dennis moved to amend the said article by striking out the second and third sections.

A division of the question having been called for.

The question was put on striking out the first section,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Hiram Barber, Bowker, Boyd, Brace, Burt, Crawford, Dennis, Drake, Giddings, Goodell, Graham, Holcomb, Heubschmann, Judd and Meeker—16.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Beall, Bevans, Charles E. Brown, Hiram Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Clothier, Combs, Cooper, Dickinson, Duty, Edgerton, Ellis, Elmore, Fitzgerald, Gibson, Gilmore, Goodrich, Granger, Green, Geo. B. Hall, Hammond, Harkin, Hicks, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Asa Kinney, Madden, Magone, Manahan, Mills, Moore, Noggle, Parks, Parsons, Prentiss, Mr. President, Rankin, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, William R. Smith, Soper, Moses M. Strong, Toland, Topping, Turner, Vineyard, Vliet, Wakeley and Wilson—64.

The question was then put on striking out the third section.

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Boyd, Burt, Dennis, Drake, Giddings, Graham, Granger, Heubschmann, Janssen, Judd, Meeker, Mr. President, Seaver, Topping and Turner—20.

Those who voted in the negative, were

Messrs. John M Babcock, Bevans, Bowen, Bowker, Charles E. Brown, Hiram Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Clothier, Combs, Cooper, Crawford, Dickinson, Duty, Dunning, Edgerton, Ellis, Elmore, Fitzgerald, Fuller, Gibson, Gilmore, Goodrich, Green, George B. Hall, Hammond, Harkin, Hicks, Holcomb, Hunkins, George Hyer, N. F. Hyer, Inman, James, Jenkins, Asa Kinney, Madden, Magone, Manahan, Mills, Moore, Noggle, Parks, Parsons, Prentiss, Rankin, Rogan, Ryan, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Vineyard, Vliet, Wakeley and Wilson—61.

Mr. Magone moved to amend the article by inserting after the words "Lieutenant Governor," the words "Secretary of State, Treasurer, Attorney General."

Which was agreed to.

Mr. Baker moved to amend the said article by inserting after the words "to this state," the words "or any town or county therein."

Which was agreed to.

The said article was then ordered to be engrossed for its third reading.

Mr. Bevans, from the majority of the select committee of nine, to whom

No. 31. Schedule, had been referred, reported the same back with an amendment.

Mr. Dennis moved that the consideration of said report be postponed until to-morrow,

Which was disagreed to.

Mr. Magone moved a call of the convention,

Which was ordered,

And Messrs, Hill. Lovell, O'Connor, Phelps, Geo. B. Smith and John Y. Smith, reported absent.

The serjeant-at-arms was sent for the absentees.

Moses M. Strong moved that the convention adjourn until 4 o'clock P. M.

Which was disagreed to,

Moses M. Strong moved that the absentees be excused from their attendance

Which was agreed to.

Mr. Noggle moved to postpone the further consideration of the said report until to-morrow.

Which was disagreed to.

The question being on concurring in the amendment of the committee,

Mr. Turner moved to amend the same by striking out the word "Jefferson," from the second district, and insert it in the first district.

Which was disagreed to.

Mr. Beall moved to amend by striking out "Winnebago" from the 1st district, and insert it in the second district,

Which was agreed to.

And a division having been called for.

There were 49 in the affirmative, and 27 in the negative.

George Hyer moved to amend by striking out the word "Jefferson."

Which was disagreed to.

The question was then put on concurring in the amendment of the committee.

And was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Baker, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Carter, Chamberlain, Combs, Dickinson, Doty, Drake, Dunning, Fuller, Goodrich, Granger, Green, George B. Ball, Hammond, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Hunkins, N. F. Hyer, Inman, James, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovel, Madden, Manahan, Meeker, Mills, Moore, Noggle, O'Connor, Patch, Parsons, Phelps, Pierce, Reed, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, William R. Smith, Soper, Moses M. Strong, Topping, Vineyard, Wakely and Wilson—61.

Those who voted in the negative, were,

Messrs. Atwood, John M. Babcock, J. Allen Barber, Beall, Charles

E. Brown, Burchard, Burt. Horace Chase, Clark, Clothier, Cooper, Coxe, Crawford, Dennis, Edgerton, Ellis, Elmore, Fitzgerald, Gibson, Giddings, Gillmore, Goodell, Graham, Hazen, Heubschmann, George Hyer, Janssen, MaGone, Parks, Prentiss, Mr. President, Randall, Rankin, Rogan, George B. Smith, Toland, Turner and Vliet,—38.

Mr. Baker moved to amend the said article by striking out the word "commissions," in section 5, and insert in lieu thereof the words "all officers."

Which was agreed to.

J. Allen Barber moved to amend the article by striking out of the 1st line of section 8, the words "its adjournment," and insert in lieu thereof the words 'the adoption of this constitution by a vote of a majority of the electors of this Territory, voting upon that subject."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. J Allen Barber, Burchard, Burt. Combs, Drake, Edgerton, Elmore, Gibson, Giddings, Gillmore, Hicks, Hill, Magone, Moore, Phelps and Randall—16.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Carter, Chamberlain, Horace Chase, Clark, Clothier, Cooper, Crawford, Dennis, Dickinson, Doty, Dunning, Ellis, Fitzgerald, Fuller, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hammond, Harkin, Hazen, Hesk, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Manahan, Meeker, Mills, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Prentiss, Mr. President, Rankin, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Topping, Turner, Vineyard, Vliet, Wakely and Wilson—80.

Hiram Barber moved to amend the same by adding a new section as follows, to wit:

"Sec. The Governor, Lieutenant Governor and other state officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of November next, and shall continue in office for two years from the first day of January following; and the judges elected under this constitution, shall enter upon the duties of their office on the first day of January after such election, and their term of office shall be for five years after said first

of January; and the Governor and other territorial officers, whose places are supplied by the election under this constitution, shall continue in office until their successors are qualified and enter upon the duties of their office as before stated,"

Which was agreed to.

The said article was then ordered to be engrossed for its third reading.

Mr. Hunkins, from the committee on engrossment,

Reported,

Articles, Nos. 17 and 33,

As correctly engrossed.

Mr. Dennis moved that the rule requiring the ayes and noes to be called upon the passage of articles be suspended, for the passage of said articles,

Which was agreed to.

No. 33. "Article relative to duelling,"

Was read the third time, passed, and the title thereof was agreed to.

No. 17. "Article relative to the boundary of Wisconsin,"

Was read the third time, when

Mr. Burchard moved that the blank therein be filled with "15 miles,"

Which was agreed to.

The said article was then passed,

And the title thereof was agreed to,

On motion of Wm. R. Smith,

The convention adjourned.

Thursday, December 10, 1846.

Prayer by the Rev. Mr. McHugh.

The reading of the journal of yesterday was dispensed with.

Mr. Bennett introduced the following resolution, to wit:

"Resolved, That the President of the convention be authorized to draw an order on the treasurer of the Territory, allowing to J. G. Knapp, librarian, for extra services in keeping the library open for the use of the members of this convention, one dollar and fifty cents per day, and for pay of assistant."

Mr. Bennett moved that the rules be suspended for the consideration of the same;

Which was disagreed to.

Mr. Bell itroduced the fo lowing resolution, to wit:

"Resolved, That the committee on revision be instructed to amend the article on banks and banking, by striking out the sixth section: and to amend the article on the rights of married women and exemptions from forced sale, by striking out the first section and inserting the following in lieu thereof: "the legislature shall at its first session after the adoption of this constitution, pass suitable laws for securing to the wife and her children, the enjoyment of her separate property owned by her before marriage, or which she sha l afterwards acquire by divise, descent grant or gift, oth rwise than from her husband, and to provide for the registry of her separate property;" and so to amend the second section of said article, as to provide that the value of real estate to be exempted shall be limited in all cases to one thousand dollars."

Mr. Burchard moved that the rules be suspended for the consideration of the same, when

Asa Kinney moved a call of the convention,

Which was ordered, and

Messrs. Beall, Brace, Burt, Clark, Cooper, Combs, Doty, Dunning, Edgerton, Fitzgerald, Fuller, Gillmore, Goodrich, Graham, Granger, George B. Hall, Hammond, Hayes, Hazen, Hunkins, James, Lovell, Meeker, Mills, O'Connor, Parkinson, Phelps, Pierce Prentiss, Geo. B. Smith, John Y. Smith and Vineyard, reported absent.

Messrs. O'Connor, Combs, Vineyard and John Y. Smith were excused from their attendance.

The sergeant-at-arms was sent for the absentees.

And pending his report,

Mr. Hunkins, from the committee on engrossment, by leave, reported,

Articles Nos. 34 and 36, as correctly engrossed.

Mr. Dennis moved that the absentees be excused.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bowker, Boyd, Brace, Charles E. Brown, Carter, Cooper, Crawford, Dennis, Dickinson, Fuller, Gibson, Giddings, Goodell, Graham, Granger, Green, Hesk, Heubschmann, Hunkins, N. F. Hyer, Judd, Asa Kinney, Mills, Noggle, O'Connor, Mr. President, Rankin, Rogan, Seaver, Sewall Smith, Topping and Wilson—37.

Those who voted in the negative, were

Messrs. John M. Babcock, J. Allen Barber, Bennett, Bevans, Bowen, Hiram Brown, Burchard, Burt, Chamberlain, Horace Chase, Clark, Coxe, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, Fitzgerald, Gilmore, Goodrich, Geo. B. Hall, Harkin, Hayes, Hazen, Hicks, Hill, Holcomb, Inman, Janssen, Jenkins, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Moore, Patch, Parks, Parsons, Phelps, Pierce, Prentiss, Randall, Reed, Ryan, A. Hyatt Smith, William R. Smith, Soper, Moses M. Strong, Toland, Vineyard, Vliet and Wakely—55.

The sergeant-at-arms reported all the absentees in attendance.

The question was then put on suspending the rules for the consideration of the resolution introduced by Mr. Bell,

And was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were,

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Brace, Chas. E. Brown, Hiram Brown, Burchard, Carter, Chamberlain, Horace Chase, Clark, Clothier, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Elmore, Fitzgerald, Fuller, Gibson, Goodell, Granger, Green, Hammond, Hesk, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Janssen, Asa Kinney, Joseph Kinney, Lovell, Manahan, Mills, Moore, Noggle, O'Connor, Patch, Parsons, Prentiss, Mr. President, Randall, Rankin, Rogan, Seaver, Sewell Smith, Moses M. Strong, Topping, Turner, Wakeley and Wilson—66.

Those who voted in the negative, were

Messrs. J. Allen Barber, Burt, Edgerton, Ellis, Giddings, Gilmore, Goodrich, Graham, George B. Hall, Harkin, Hayes, Hazen, Hicks, Inman, James, Jenkins, Judd, Madden, Magone, Meeker, Parks,

Phelps, Pierce, Reed, Ryan, A. Hyatt Smith, Geo. B. Smith, Wm. R. Smith, Soper, Toland, Vineyard and Vliet—32.

The question then recurred on the resolution introduced by Mr. Bell, when

A division of the question was called for,

And the question being on adopting that portion of the resolution relative to instructing the committee on revision to strike out the 6th section of the article on banks and banking; when

Mr. Gibson moved to amend the same by striking out "the sixth section," and insert "all after the first section, in the back article."

And the question having been put,

It was decided in the negative,

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. J. Allen Barber, Burchard, Clothier, Drake, Edgerton, Ellis Gibson, Giddings, Hazen, Hill, Moore, Parks, Prentiss, Randall and Reed—15.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Burt, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Dunning, Elmore, Fitzgerald, Fuller, Gilimore, Goodell, Goodrich, Graham, Granger, Green, Geo. B. Hall, Hammond, Harkin, Hayes, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Magone, Manahan, Meeker, Mills, Noggle, O'Connor, Patch, Parsons, Phelps, Pierce, Mr. President, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Turner, Vineyard, Vliet, Wakely and Wilson—80.

On motion,

Mr. Parkinson was excused from voting.

The question was then put on the first portion of the said resolution of instructions,

And was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Baker, Hiram Barber, Beall, Bell, Bennett, Bowen, Bowker, Boyd, Brace, Charles E. Brown, Hiram Brown, Carter, Horace Chase, Clothier, Cooper, Dennis, Drake, Fuller, Granger, Green, Hammond, Holcomb, Heubschmann, Hunkins, N. F. Hyer, Asa Kinney, Joseph Kinney, Lovell, Manahan, Meeker, Mills, Moore, Noggle, Patch, Prentiss, Mr. President, Randall, Rankin, Seaver, Wm. R. Smith, Topping, Vliet and Wakeley—44.

Those who voted in the negative, were

Messrs. John M. Babcock, J. Allen Barber, Bevans, Burchard, Burt, Chamberlain, Clark, Coxe, Crawford, Dickinson, Doty, Dunning, Edgerton, Ellis, Elmore, Fitzgerald Gibson, Giddings, Gillmore, Goodell, Goodrich, Graham, George B. Hall, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, George Hyer, Inman, James, Janssen, Jenkins, Judd, Madden, Magone, O'Connor, Parkinson, Parks, Parsons, Phelps, Pierce, Reed, Rogan, Ryan, A. Hyatt Smith, George B. Smith, Sewall Smith, Soper, Moses M. Strong, Toland, Turner, Vineyard and Wilson—55.

The question was then put on adopting the second portion of the instructions to the said committee,

And was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Hiram Barber, Bevans, Bowen, Bowker, Brace, Hiram Brown, Carter, Clark, Clothier, Coxe, Drake, Edgerton, Elmore, Fitzgerald, Fuller, Gibson, Goodrich, Green, Hammond, Harkin, Hayes, Hazen, Hesk, Hicks, Heubschmann, Hunkins, N. F. Hyer, Inman, James, Janssen, Joseph Kinney, Lovell, Mills, Moore, Parkinson, Parks, Parsons, Prentiss, Mr. President, Rankin, Reed, Rogan, Ryan, Seaver, Sewall Smith, Soper, Moses M. Strong, Toland, Turner and Wakely—52.

Those who voted in the negative were,

Messrs. John M. Babcock, J. Allen Barber, Beall, Bell, Bennett, Boyd, Charles E. Brown, Burchard, Burt, Chamberlain, Horace Chase, Cooper, Crawford, Dennis, Dickinson, Doty, Dunning, Ellis, Giddings, Gilmore, Goodell, Graham, Granger, George B. Hall, Hill, Holcomb, George Hyer, Jenkins, Judd, Asa Kinney, Madden, Magone, Manahan, Meeker, Noggle, O'Connor, Patch, Phelps, Pierce, Randall, A. Hyatt Smith, Geo. B. Smith, William R. Smith, Topping, Vineyard, Vliet and Wilson—47.

The question then recurred on the third division of the said resolution, when

Mr. Burchard moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on the third division of the said resolution,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, H. Barber, Beall, Bennett, Bevans, Bowen, Bowker, Boyd, Bruce, Charles E. Brown, Burchard, Carter, Clark, Clothier, Cooper, Coxe, Dennis, Dickinson, Drake Edgerton, Elmore, Fitzgerald, Gibson, Goodrich, Granger, Green, Harkin, Hayes, Hazen, Hesk, Hicks, Hill, Holcomb, Heubschmann, Hunkins, Geo. Hyer, N. F. Hyer, Inman, James, Janssen, Judd, Asa Kinney, Joseph Kinney, Lovell, Madden, Manahan, Mills, Moore, O'Connor, Patch, Parkinson, Parks, Parsons, Prentiss, Mr. President, Randall, Rankin, Reed, Rogan, Ryan, Seaver, Sewall Smith, Soper, Moses M. Strong, Toland, Turner, Vineyard and Wakeley—70.

Those who voted in the negative were,

Messrs. J. Allen Barber, Bell, Hiram Brown, Burt, Chamberlain, Horace Chase, Crawford, Doty, Dunning, Ellis, Fuller, Giddings, Gilmore, Goodell, Graham, Geo. B. Hall, Hammond, Jenkins, Magone, Meeker, Noggle, Phelps, Pierce, A. Hyatt Smith, George B. Smith, Wm. R. Smith, Topping, Vliet and Wilson—29.

Mr. Clark introduced the following resolution, which was read, to wit:

"Resolved, That the committee on revision be instructed to amend the article on the constitution and organization of the legislature, as to attach the county of Richland which was attached to the county of Sauk in a representatative district, and attach the same to the county of Crawford."

And the rules having been suspended for the consideration of the said resolution,

Mr. Magone moved that the convention take a recess until three o'clock, P. M.

Which was agreed to.

THREE O'CLOCK, P. M.

The question was then put on the adoption of the resolution introduced by Mr. Clark.

And was decided in the affirmative.

No. 36. "Article relative to disqualification, was read the third time, when

Mr. Dennis moved that the rules be suspended to recommit the same to a select committee.

Which was disagreed to.

The question then recurred on the passage of the said article,

And having been put,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative. were

Messrs. John M. Babcock, Bennett, Bevans, Bowen, Brace, Hiram Brown, Burchard, Burt, Carter, Horace Chase, Clark, Clothier, Combs. Dickinson, Drake, Dunning, Ellis, Elmore, Fitzgerald, Fuller, Gillmore, Goodell, Goodrich, Hammond, Harkin, Hesk, Hicks, Holcomb, James, Janssen, Jenkins, Magone, Mills, Moore. Noggle, Parsons, Rogan, Ryan. A. Hyatt Smith, Sewell Smith, Soper, Moses M. Strong, Vhet and Wakely—44.

Those who voted in the negative, were

Messrs. Atwood, Baker, Hiram Barber, J. Allen Barber, Beall, Bell, Boyd, Cooper, Coxe, Crawford, Dennis, Doty, Edgerton, Gibson, Giddings, Graham, Granger, Green, Hazen, Hill, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Judd, Asa Kinney, Joseph Kinney, Lovell, Manahan, Meeker, O'Connor, Parks, Pierce. Prentiss, Randall. Rankin, Reed, Seaver, Wm. R. Smith, Toland, Turner and Wilson —42.

No. 34. "Schedule,"

Was then read the third time.

And the question having been put on the passage of the same,

It was decided in the affirmative.

And the ayes and noes being required by the rules,

Those who voted in the affirmative, were

Messrs. Atwood, John M. Babcock, Baker, Hiram Barber, Beall, Bell, Bennett, Bevans, Bowen, Boyd, Brace, Hiram Brown, Carter, Chamberlain, Horace Chase, Clark, Clothier, Combs, Cooper, Dennis,

Dickinson, Drake, Dunning, Fitzgerald, Fuller, Gibson, Giddings, Goodell, Goodrich, Graham, Granger, Green, Hammond, Harkin, Hazen, Hesk, Hicks, Holcomb, Heubschmann, Hunkins, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Asa Kinney, Joseph Kinney, Lovell, Magone, Manahan, Meeker, Mills, Moore, Noggle, O'Connor, Parks, Parsons, Randall, Rankin, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewall Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Vliet, Wakely and Wilson—74.

Those who voted in the negative, were

Messrs. J. Allen Barber, Burchard, Burt, Coxe, Crawford, Doty, Ellis, Elmore, Gillmore, Hill, Pierce and Turner—12.

A. Hyatt Smith, by leave, introduced the following resolution, to wit:

"Resolved, That the secretary of the convention be instructed to issue a certificate to Darwin Clark, for the appropriation made to him.

And the rules having been first suspended for the consideration of the said resolution,

It was adopted.

Mr. Beall asked that leave of absence be granted him after today.

Leave was granted.

Horace Chase moved to reconsider the vote rejecting the second division of Mr. Bell's resolution.

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Atwood, Baker, Hiram Barber, Bell, Boyd, Brace, Hiram Brown, Horace Chase, Clark, Clothier, Combs, Cooper, Coxe, Dennis, Drake, Edgerton, Emore, Fitzgerald, Fuller, Goodrich, Granger, Green, Harkin, Hesk, Hicks, Heubschmann, Hunkins, George Hyer, N. F. Hyer, James, Asa Kinney, Joseph Kinney, Lovell, Manahan, Mills, Moore, Patch, Parks, Mr. President, Rankin, Reed, Rogan, Ryan, Seaver, Sewall Smith, Soper, Moses M. Strong, Toland, Turner, and Tweedy—50.

Those who voted in the negative, were

Messrs. John M. Babcock, J. Allen Barber, Beall, Bennett, Bevans, Bowen, Burchard, Burt, Carter, Chamberlain, Crawford, Dickinson, Doty, Dunning, Ellis, Giddings, Gillmore, Goodell, Graham, Hammond, Hazen, Hill, Holcomb, Inman, Janssen, Jenkins, Judd, Magone, Meeker, Noggle, O'Connor, Parsons, Pierce, Randall, A. Hyatt Smith, Wm. R. Smith, Vliet and Wilson—38.

Mr Hunkins appealed from the decision of the chair; which was, that it required a two-third vote to reconsider the vote rejecting the said second division of the resolution of Mr. Bell.

And the question having been put,

"Shall the decision of the President stand as the judgment of the convention?"

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. John M. Babcock, J. Allen Barber, Bennett, Bevans, Boyd, Burchard, Burt, Carter, Horace Chase, Cooper, Crawford, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Fuller Giddings, Gillmore, Goodell, Goodrich, Graham, Granger, Green, Hammond, Harkin, Hayes, Hazen, Hesk, Holcomb, George Hyer, N. F. Hyer, Inman, James, Janssen, Jenkins, Judd, Joseph Kinney, Madden, Magone, Meeker, Mills, Noggle, O'Connor, Patch, Parks, Parsons, Pierce, Mr. President, Reed, Rogan, Ryan, Seaver, A. Hyatt Smith, Wm. R. Smith, Soper, Moses M. Strong, Vliet, Wakeley and Wilson—61.

Those who voted in the negative, were

Messrs. Atwood, Baker, Bell, Brace, Charles E. Brown, Hiram Brown, Clark, Clothier, Combs, Coxe, Dennis, Fitzgerald, Hicks, Heubschmann, Hunkins, Asa Kinney, Manahan, Moore, Randall, Rankin, Sewell Smith, Toland and Turner—23.

The resolution introduced by Mr. Manahan on the 7th inst., relative to the repeal of the charters of incorporation,

Was taken up; when

Mr. Ryan moved that the committee of the whole be discharged from the further consideration of the same.

Which was agreed to.

Mr. Parsons moved to amend the same by striking out the 1st section, and inserting "the legislature shall have power at all times to alter, amend or repeal any act of incorporation, hereafter passed, whether such act shall be by general or special law; but no special act of incorporation shall be repealed, except by a vote of two-thirds of each house of the legislature, unless in pursuance of a right of repeal reserved in the act creating such incorporation."

Which was disagreed to.

Mr. Dennis moved to amend by adding the following section, to wit:

"Section 2nd. The legislature shall contract for the printing of all laws and legislative journals to the lowest and best bidder, upon reasonable notice being given thereof, and as far as practicable, all other state printing shall be contracted for in the same manner."

Mr. Magone moved to amend the amendment by adding, "provided the legislature may deem it expedient so to do."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Bennett, Brace, Crawford, Dunning, Ellis, Goodrich, Graham, Harkin, Hayes, Hesk, N. F. Hyer, Janssen, Jenkins, Magone, Meeker, Mills, O'Connor, Prentiss and Ryan—19.

Those who voted in the negative, were

Messrs. Atwood, Baker, J. Allen Barker, Bell, Bevans, Bowen, Boyd, Hiram Brown, Burchard, Burt, Carter, Chamberlain, Horace Chase, Clark, Clothier, Combs, Cooper, Coxe, Dennis, Dickinson, Doty, Drake, Edgerton, Elmore, Gibson, Giddings, Gilmore, Goodell, Granger, Green, Hammond, Hazen, Hicks, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, James, Judd, Asa Kinney, Manahan, Patch, Parks, Parsons, Pierce, Randall, Rankin, Reed, Rogan, Seaver, Sewall Smith, William R. Smith, Turner, Wakeley and Wi son—56.

The question then recurred on the amendment of Mr. Dennis,

And having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Baker, Hiram Barber, J Allen Barber, Be l, Bennett, Bevans, Bowen, Boyd, Hiram Brown, Burchard, Burt, Horace Chase, Combs, Cooper, Dennis, Doty, Drake, Elmore, Gibson, Giddings, Gillmore, Goodell, Granger, Green, Hazen, Hill, Holcomb, Heubschmann, Hunkins, Inman, Judd, Asa Kinney, Joseph Kinney, Magone, Manahan, Patch, Parsons, Randall, Rankin, Rogan, Seaver, Sewall Smith, Wm. R. Smith, Turner and Vliet—45.

Those who voted in the negative, were

Messrs. Atwood, Brace, Chamberlain, Clark, Coxe, Crawford, Dickinson, Dunning, Edgerton, Ellis, Goodrich, Graham, Hammond, Harkin, Hayes, Hesk, George Hyer, James, Janssen, Jenkins, Madden, Meeker, Mills, O'Connor, Parks, Pierce, Prentiss, Mr. President, Reed, Ryan, A. Hyatt Smith, Soper, Moses M. Strong, Toland and Wakely—35.

Mr. Burt moved to amend the resolution by striking out the first section,

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. J. A. Barber, Boyd, Burchard, Burt, Horace Chase, Cloth-

ier, Cooper, Dunning, Edgerton, Gibson, Gillmore, Green, Hicks, Heubschmann, Hunkins, Inman, Janssen, Joseph Kinney, Moore, Parks, Randall, Reed, Turner and Wakely—24.

Those who voted in the negative were,

Messrs. Atwood, Baker, Hiram Barber, Bell, Bennett, Bevans, Bowen, Brace, Carter, Chamberlain, Clark, Combs, Coxe, Crawford, Dennis, Dickinson, Doty, Drake Ellis, Elmore, Fitzgerald, Giddings, Goodell, Goodrich, Graham, Granger, Hammond, Hazen Hesk, Holcomb, George Hyer, James, Jenkins, Judd, Asa Kinney, Magone, Manahan, Mills, Noggle, O'Connor, Patch, Parsons, Pierce, Prentiss, Mr. President, Rankin, Rogan, Ryan, Seaver, A. Hyatt Smith, Sewell Smith, William R. Smith, Soper, Moses M. Strong and Toland—55.

Mr. Rogan moved to amend the said resolution by adding the following section, to wit:

"Sec. . It shall be the duty of the legislature at its first session, and at any session thereof, after the adoption of this constitution, to pass such laws as may be necessary to secure the integrity of the ballot box, prevent fraud and corruption in elections, and preserve the purity of the elective franchise."

Which was disagreed to.

The question was then put on ordering the said resolution to be engrossed for its third reading;

And was decided in the negative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were,

Messrs. Atwood, Baker, Hiram Barber, J. Allen Barber, Bell, Bennett, Bevans, Bowen, Boyd, Hiram Brown, Burchard, Burt, Clothier, Combs, Dennis, Doty, Drake, Elmore, Fitzgerald, Gibson, Giddings, Gillmore, Granger, Green, Hazen, Hicks, Hill, Holcomb, Heubschmann, Judd, Manahan, Patch, Parsons, Rankin, Rogan, Ryan, Seaver, Sewall Smith, William R. Smith, Soper and Moses M. Strong—41.

Those who voted in the negative, were

Messrs. Brace, Carter, Chamberlain, Horace Chase, Clark, Cooper, Coxe, Crawford, Dickinson, Dunning, Edgerton, Ellis, Goodrich, Graham, Hammond, Harkin, Hesk, Hunkins, George Hyer, Inman, James, Janssen, Jenkins, Asa Kinney, MaGone, Meeker, Mills, Moore, Noggle, O'Connor, Parks, Pierce, Prentiss, Mr. President, Randall, Reed, A. Hyatt Smith, George B. Smith, Toland, Turner and Wakely—41.

Asa Kinney asked that leave of absence be granted him for the remainder of the session,

Which was agreed to.

Wm. R. Smith, from the committee on contested elections, to whom it had been referred to inquire into the expediency of paying the ex-

penses of Mr. Burchard and M. J. Bovee, in contesting the seat of Mr. Burchard, made the following

REPORT:

The committee on contested elections to whom was referred the resolutions in relation to the expenses of Charles Burchard and Matthias J. Bovee, report:

That Charles Burchard has exhibited a bill of expenses, the items of which in the aggregate amount to $67 00.

That Matthias J. Bovee has exhibited no bill whatever.

That as Charles Burchard was the sitting member in virtue of his certificate of election;—as Matthias J. Bovee has failed in his application contesting the seat of Mr. Burchard, and as Mr. Burchard was obliged, by the action of the convention, to incur considerable expense, in travelling and in taking depositions, a majority of the committee have agreed to the fo lowing resolutions:

Resolved, That Charles Burchard be allowed the sum of $37 00 to defray his necessary expenses incurred as above stated, and that the secretary of the convention issue a certificate to him for the same.

Resolved, That the committee be discharged from the further consideration of the claim of M. J. Bovee.

WM. R. SMITH,
Chairman.

Mr. Manahan introduced the following resolution, to wit:

"Resolved, That the president of this convention be instructed to issue certificates to each of the members of thts convention, for two dollars per day from the 5th day of October, to the day of adjournment, inclusive, upon which certificates shall be endorsed the amount paid to each member."

Messrs. Gillmore, Giddings and Moore asked that leave of absence be granted them from and after to-day.

Leave was granted.

Mr. Burt introduced the following resolution, to wit:

"Resolved, That the Treasurer of the Territory be requested forthwith to report to the secretary of this convention, the amount of per diem and mileage paid to each member of this convention."

Mr. Elmore moved that the resolution introduced relative to the pay of members and officers of the convention, be taken up and referred to a select committee of three;

Which was agreed to.

The President announced the appointment of the following committee to whom the said resolutions were referred, viz: Messrs. Elmore, Manahan and Baker.

Mr. Magone, by leave, introduced the following resolution, to wit:

"Resolved, That this convention adjourn without day on Tuesday, the 15th instant."

Mr. Heubschmann moved that the same be laid upon the table.

Which was agreed to.

On motion of Mr. Ryan,

The convention adjourned until to-morrow morning.

FRIDAY, December 11, 1846.

Prayer by the Rev. Rev. Mr. Miner.

The reading of the journal of yesterday was dispensed with.

Mr. Dennis moved that George Hyer be added to the committee on expenses,

Which was agreed to.

Mr. Parks from the committee on revision, reported back

Articles from 1 to 8 inclusive, with amendments.

And the question having been put,

On concurring in the 1st amendment of the committee, which was to add to the 19th section of the article on the judiciary, the words

"and all indictments shall conclude against the peace and dignity of the state."

And was decided in the affirmative,

The question was then put on concurring in the 2nd amendment of the committee, which was to strike out "Richland." where it occurs in the apportionment of representatives, in article No. 10, and insert the same immediately after the word "Crawford,"

Which was agreed to.

Mr. Baker moved to amend the 7th section, by striking out the words "or who shall be a defaulter to the United States or to this state."

Which was disagreed to.

Moses M. Strong gave notice that he would, on some future day move to reconsider the vote by which the article relative to the boundary of the state was passed.

Moses M. Strong moved to take up the motion of Mr. Vineyard, to reconsider the vote on the passage of the resolution relative to colored suffrage,

And also moved a call of the convention.

Which was ordered.

And Messrs. John M. Babcock, Hiram Barber, J. Allen Barber, Bowker, Hiram Brown, Burchard, Clark, Edgerton, Elmore, Green, Hazen, N. F. Hyer, Judd, Asa Kinney, Madden, Noggle, Patch, Randall, Rogan, George B. Smith, Vineyard and Vliet, reported absent.

Messrs. N. F. Hyer, J. Allen Barber, Burchard, Vineyard, Vliet, Asa Kinney, Hazen and Hiram Barber, were excused from their attendance.

The serjeant-at-arms was sent for the absentees.

Moses M. Strong moved that the absentees be excused,

Which was disagreed to.

Mr. Judd moved that all further proceeding under the call be dispensed with,

Which was agreed to.

The question then recurred on reconsidering the vote on the passage of the resolution relative to colored suffrage, when

Mr. Dennis moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the affirmative.

And the question having been put on the motion of Mr. Vineyard,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bevans, Brace, Burt, Clark, Clothier, Combs, Fitzgerald, Fuller, Gillmore. Goodrich, Harkin, Hayes, Hicks, Inman, James, Jenkins, Joseph Kinney, Madden, Magone, Meeker, Ryan, George B. Smith, Wm. R. Smith, Soper and Moses M. Strong—25.

Those who voted in the negative, were

Messrs. Atwood, John M. Babcock, Baker, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Hiram Brown, Carter, Chamberlain, Horace Chase, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Edgerton, Ellis, Elmore, Goodell, Graham, Granger, Green, Geo. B. Hall, Hammond, Hesk, Hill, Holcomb, Heubschmann, Hunkins, George Hyer, Janssen, Judd, Lovell, Manahan, Mills, Moore, Noggle, O'Connor, Patch, Parks, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, A. Hyatt Smith, Sewall Smith, John Y. Smith, Toland, Topping, Turner, Wakely and Wilson—63.

Mr. Elmore, from the select committee to whom had been referred sundry resolutions relative to the per diem of members and officers, reported the following resolutions, to wit:

"Resolved, That certificates, signed by the President and Secretary of this convention be issued to each member who has been in attendance, for the balance due him for attending said convention from the fifth day of October to the day of December inclusive, at two dollars per day, and that certificates be also issued to the officers thereof for the balance due them for their services.

Resolved, That said certificates may be presented to the auditor of the Territory, who is hereby required to issue warrants on the Treasurer of the Territory, in such amounts as may be required, corresponding in the aggregate with the whole amount of each certificate so presented."

On motion of Moses M. Strong,

The convention took a recess until 2 o'clock, P. M.

Two O'clock, P. M.

The resolution introduced by Mr Bennett on yesterday, relative to paying the assistant librarian,

Was taken up, and adopted.

The resolution introduced by Mr. Gibson on yesterday, relative to a separate submission of the

Article on banks and banking.

Was taken up: when

Mr. Baker moved to amend the same by inserting before the word "banks," the words "the 6th section of the."

Mr. O'Conner moved that the said motion be laid upon the table.

And the question having been put,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered.

Those who voted in the affirmative, were

Messrs. John M. Babcock, Bennett, Bevans, Bowen, Bruce, Hiram Brown, Burt, Core, Crawford, Dickinson, Drake, Dunning, Elmore, Fitzgerald, Fuller, Gilmore, Goodell, Goodrich, Graham, Green, Hammond, Hayes, Holcomb, George Hyer, Inman, James, Janssen, Joseph Kinney, Lovell, Madden, Meeker, O'Connor, Parsons, Phelps, Mr. President, Ryan, A. Hyatt Smith, Sewell Smith, Wm. R. Smith, Soper, Moses M. Strong, Toland, Turner and Wakely—41.

Those who voted in the negative, were

Messrs. Baker, Bell, Bowker, Boyd, Charles E. Brown, Chamberlain, Horace Chase, Cooper, Dennis, Doty, Ellis, Granger, George B. Hall, Hesk, Hicks, Hill, Hunkins, Magone, Manahan, Mills, Parks Randall, Rankin, Reed, Seaver and Topping—26.

The resolution introduced by Wm. R. Smith on the 27th ult., relative to printing the constitution and journals,

Was taken up, when

Wm. R. Smith moved to amend the same by striking out all of the first resolution after the word signatures, and insert the words "Done in convention at Madison at Madison, the day of December, in the year of our Lord one thousand eight hundred and forty-six, and of the Independence of the United States of America the seventy-first."

Which was agreed to.

Mr. Toland moved to amend the second resolution by inserting after the word "printed," the words "in the English, five thousand

copies in the German, and five thousand in the Norwegian language."

Mr. Phelps moved to amend the amendment by adding "1000 copies in the Winnebago, 1000 in the Chippewa, and 500 in the Pottawattamie tongues."

Which was disagreed to.

Wm. R. Smith moved to amend the 3d resolution by striking out all in the 1st line to the word "be," and insert "that the Secretary of the convention shall prepare the journal for publication, and shall procure 500 copies thereof to," and also to insert after the word "printed," the words "printer to the convention."

Mr. Heubschmann moved to amend the amendment by striking out the words "printer to the convention," and insert "by Moritz Schoeffler."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Baker, Brace, Horace Chase, Clothier, Heubschmann, Inman, Lovell, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Moses M. Strong and Wakely—13.

Those who voted in the negative, were

Messrs. John M. Babcock, Bell, Bennett, Bowen, Bowker, Boyd, Charles E. Brown, Burt, Carter, Chamberlain, Clark, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning Ellis, Fitzgerald, Fuller, Gillmore, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Hammond, Harkin, Hesk, Hill, Holcomb, Hunkins, James, Janssen, Jenkins, Judd, Joseph Kinney, Magone, Manahan, Meeker, Mills, Moore, Noggle, O'Connor, Patch, Parsons, Phelps, Pierce, Prentiss, Randall, Rankin, Reed, Seaver, George B. Smith, Wm. R. Smith, Moses M. Strong, Topping, Turner and Wilson—63.

Mr. Ryan moved to amend the amendment by striking out the words "Printer to the convention."

And the question having been put,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Bevans, Brace, Clothier, Heubschmann, Inman, Lovell, Phelps, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith Moses M. Strong,—12.

Those who voted in the negative, were

Messrs. John M. Babcock, Baker, Bell, Bowker, Boyd, Charles E. Brown, Burt, Carter, Chamberlain, Horace Chase, Clark, Combs, Cooper, Coxe, Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fitzgerald, Fuller, Gillmore, Goodell, Goodrich, Graham, Gran-

ger, Green, Geo. B. Hall, Hammond, Harkin, Hesk, Hill, Holcomb, Hunkins, James, Janssen, Judd, Joseph Kinney, Magone, Manahan, Meeker, Mills, Moore, Noggle, O'Connor, Patch, Parsons, Pierce, Prentiss, Mr. President, Randall, Rankin, Reed, Seaver, George B. Smith, Wm. R. Smith, Toland, Topping, Turner, Wakely and Wilson—63.

Mr. Bevans moved to amend the amendment, by striking out all after the word "by," and insert "the lowest bidder who shall give good security for the performance of his contract."

Which was disagreed to,

A. Hyatt Smith moved to amend the amendment by striking out the words "Printer to the convention," and insert the words "George Crabb."

And the question having b en put,

It was decided in the negative.

And the ayes and noes having been called for and ordered

Those who voted in the affirmative, were,

Messrs. Brace, Hammond, Inman, Lovell, Madden, Noggle, Ryan, A. Hyatt Smith, Sewall Smith, John Y. Smith, Soper and Moses M. Strong—12.

Those who voted in the negative were,

Messrs. John M. Babcock, Baker, Bell, Bennett, Bevans, Bowen, Bowker, Boyd, Charles E. Brown, Burt, Chamberlain, Horace Chase, Clark, Clothier, Combs, Coxe. Crawford, Dennis, Dickinson, Doty, Drake, Dunning, Ellis, Fitzgerald. Fuller, Gi lmore, Goodell, Goodrich, Graham, Granger, Green, George B. Hall, Harkin, Hesk, Hill, Holcomb, Hunkins, James, Janssen, Judd, Joseph Kinney, Magone, Manahan, Meeker, Mil's, Moore, O'Connor, Parsons, Phelps, Pierce, Prentiss, Mr. President, Randal', Rankin, Reed, Seaver, Geo. B. Smith, William R. Smith, Toland, Topping, Turner, Wakely and Wilson—63.

Mr. Brace moved to amend by striking out the words "Printer to the convention," and insert the words "H. A Wright, publisher of the Prairie du Chien Patriot,"

Which was disagreed to.

The question then recurred on the amendment of William R. Smith,

And having been put,

It was decided in the affirmative.

Mr. Heubschmann moved to amend the resolution by adding the following:

"Resolved, That a committee of three members, of which the President shall be chairman, be appointed to make a contract with Moritz Schoeffler to translate the constitution into the German and Norwegi-

an language, and for the printing of 5000 copies thereof in the German language, and 5000 copies thereof in the Norwegian language."

Mr. Baker moved to amend the amendment by striking out "a committee of three members, of which the President shall be chairman," and insert "the Secretary to this convention."

Which was disagreed to.

The amendment of Mr. Heubschmann was then adopted.

William. R. Smith moved to amend by adding the following resolution,

"Resolved, That the accounts of the printer for the printing of the constitution and of the jourual, shall be examined and settled by the Secretary of the convention, at the same rate as has been heretofore allowed by the legislature for printing the journal, and he shalll issue his certificate to the Printer for such amount as shall be found due, which said certificates shall be a sufficient authority for the Treasurer of the Territory to pay the said amount out of the funds appropriated to pay the expenses of the convention, and that the Secretary, on publication of the said constitution and journal, shall distribute the same according to the foregoing resolutions, and that the Secretary shall be allowed the sum of two hundred dollars out of the Territorial Treasury for such services."

Moses M. Strong moved the previous question,

Which was seconded.

And the question having been put,

"Shall the main question be now put?"

It was decided in the negative.

So the further consideration of the said resolution was postponed until to-morrow.

On motion of Mr. Dennis,

The convention adjourned until to-morrow morning at 10 o'clock.

Saturday, December, 12th, 1840.

Prayer by the Rev. Mr. McHugh.

The reading of the journal of yesterday was dispensed with.

Mr. Dennis, from the committee on expenses, made the following

REPORT:

The committee on expenses make the following report:

"Resolved, That the following expenses of the convention be allowed, as follows, to wit:

To William Pyncheon, for work done in preparing room for convention,	$14 00
To Levi Putnam, for labor,	6 00
To Blanchard & Co., for crape,	4 55
To Baxter & Lind for crape,	4 50
To Shield & Sneden for crape,	12 24
To Daniel N. Johnson, for 24 days writing,	72 00
To the following clerks of courts, for furnishing an abstract of the business of their respective courts, in pursuance of a resolution of the convention, to wit:	
To John E. Holmes,	5 00
To Jonathan Wyatt,	5 00
To Simeon Mills,	5 00
To Isaac Brown,	5 00
To William Rittenhouse,	5 00
To William T. Henry,	15 00
To LaFayette Kellogg, clerk Supreme Court,	5 00
To L. B. Dean, for candles, brooms, oil, &c.,	48 75

Resolved, That the treasurer of the territory pay the foregoing appropriations out of any funds in his hands subject to the control of the convention."

Mr. O'Connor introduced the following resolution, which was read, to wit:

"Resolved, That the sum of one hundred dollars be paid to each of the assistant secretaries, for extra writing done for this convention.

A. Hyatt Smith introduced the following resolution, which was read, to wit:

"Resolved, That the sum of one dollar per day be paid to each of the assistant secretaries, for extra writing done by them during the session."

A. Hyatt Smith moved that the rules be suspended for the consideration of the said resolution.

Which was disagreed to.

Mr. Parks, from the committee on revision, reported the constitution as arranged by them, with amendments.

The first amendment, which was to amend the article on suffrage and the elective franchise, by striking out the tenth section thereof, and inserting it in the article on the constitution and organization of the legislature,

Was concurred in.

Mr. Ryan moved to amend the report of the committee by inserting in article No. 2, between the words "the," and "Indian," the words "mixed, white, and," and also to strike the word "the," and moved a suspension of the rules for the consideration of said motion.

Which was disagreed to.

The second amendment of the committee, which was to strike out the first section of the article on eminent domain and property of the State,

Was concurred in.

Mr. Ryan moved to amend the article on the rights of married women and on exemption from forced sale, by inserting after the word "dollars," in the 6th line, the words "owned and occupied by any resident of the state."

Which was agreed to.

Mr. Ryan moved to amend the said article by striking out the word "respectful," in the eighth line of section eight, and also to strike out the words, "and authentic," and insert the letter "a."

Which was agreed to.

Mr. Ryan moved to amend article No. 21, by striking out the word "colored," in the title, and insert the word "negro," and also to strike

out the word "colored," wherever it occurs in the resolution, and insert the words "African blood."

Which was agreed to.

A. Hyatt Smith moved that the article on negro suffrage be enrolled on a separate parchment, and signed by the president and secretary.

Mr. Hicks moved to amend the motion by striking out all after the word "parchment," and insert "and signed in like manner as the constitution;"

Which was disagreed to.

The question then recurred on the motion of A. Hyatt Smith,

And having been put,

It was decided in the affirmative.

On motion of Mr. Ryan,

The convention adjourned until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

Mr. Dennis, from the committee on expenses, reported the following resolutions to wit:

"Resolved, That the following sums be allowed for incidental printing and for newspapers furnished the convention, to wit:

To W. W. Wyman, for balance due him for newspapers,	$203 00
To Simeon Mills, & Co., for balance due them for newspapers and printing,	560 39
To Beriah Brown, for balance due him for newspapers,	800 00
To Beriah Brown, printer of the convention, for balance due him for incidental printing,	474 34

NOTE.—In the bill of Beriah Brown, the committee find that a small portion of the work has been performed out of the usual mode, which makes an extra charge for press work; but as the work has been done, the committee have agreed upon allowing the same.

Resolved, That certificates for the foregoing appropriations be signed by the president and secretary of the convention, be issued to the persons to whom said appropriations are made respectively, and that said certificates may be presented to the auditor of the territory who is hereby required to issue warrants on the treasurer of the Territory, in such amounts as may be required, corresponding in the aggregate with the whole amount of each certificate so presented, and the treasurer of the Territory is hereby directed to pay the same.

And the question having been put on the adoption of the said resolutions,

It was decided in the affirmative.

Mr. Parkinson introduced the following resolution, which was read to wit:

"Resolved, That the treasurer be directed to pay out of tne first monies in the treasury, for that purpose, to Joshua White, the sum of sixty-six dollars, his mileage and part pay per diem; and the sum of fifty dollars to Andrew Burnside, as part pay for per diem allowance to him as a member of this convention."

The resolution introduced by Mr. Dennis on the 2nd inst., relative to the per diem of the members,

Was taken up, when

A. Hyatt Smith moved that the consideration thereof be postponed indefinitely.

Horace Chase moved that the blank be filled with "12."

Which was disagreed to.

Mr. Burt moved that the same be filled with "ten."

Mr. Heubschmann moved that the same be laid upon the table.

Which was agreed to.

And a division having been called for,

There were 28 in the affirmative, and 23 in the negative.

The resolution introduced by Wm. R, Smith on the 27th ult., relative to printing the journals, &c.

Was taken up, when

Wm. R. Smith modified his amendment thereto by striking out "two hundred," in the allowance of the secretary for preparing the journal, and inserting "four hundred," in lieu thereof.

And the question having been put on said amendment as modified,

It was decided in the affirmative.

Mr. Baker moved to amend by striking out the words "the use of," and insert "distribution by."

Which was agreed to.

A. Hyatt Smith moved to amend by striking out before the word "German," the words "five thousand," and insert the words "ten thousand."

Which was disagreed to.

The said resolutions were then adopted.

The resolution introduced by Mr. O'Oonnor this morning, relative to the payment of the assistant secretaries,

Was taken up; when

Mr. Ryan moved to amend by striking out all after "resolved," and insert "that each of the assistant secretaries be paid four do lras per day."

And the question having been put,

It was decided in the affirmative.

The chair decided that the resolutions would be postponed, as no quorum voted.

On motion of Mr Ryan,

The convention adjourned.

MONDAY, DECEMBER 14, 1846.

Prayer by the Rev. Mr. Miner.

The reading of the journal of Saturday was dispensed with.

Mr. Bowen moved a call of the house,

Which was ordered.

And a quorum being found in attendance, all further proceedings under the call were dispensed with.

The President announced the appointment of the following committee, under the resolution relative to printing five hundred copies of the constitution in the German, and five hundred in the Norwegian language, to wit:

Messrs. Heubschmann and Hunkins.

George Hyer moved that Andrus Viall have leave to withdraw the contract entered into between himself and Ezra L. Varney and the superintendent of territorial property, for plastering the convention chamber.

A. Hyatt Smith moved to amend the motion so as to require the secretary of the convention to endorse the resolution allowing to said Vial & Varney the sum of one hundred dollars on said contract.

Which was agreed to.

And said resolution having been so endorsed he was allowed to withdraw the contract from the files of the convention.

The resolution relative to extra pay of assistant secretaries, introduced by Mr. O'Connor on Saturday last,

Was taken up,

And the question being on concurring in the amendment of Mr. Ryan,

Which was to strike out all after the word "resolved," and insert "that each of the assistant secretaries be paid four dollars per day during the time they have been employed as such, in full payment of their services."

Horace Chase moved to amend the amendment by adding the following, to wit:

And whereas, it appears by the report of the committee appointed to ascertain from the Territorial Treasurer the amount of funds in his hands appropriated to defray the expenses of the convention, that he has at this time no funds whatever. And whereas, it is uncertain at what period any Funds arising from the sales of canal lands may

come into the hands of the Territorial Treasurer. And whereas, the delegates to this convention in anticipation of such period, will be obliged to receive certificates of pay which are at this time valued at twenty-five per cent below par: therefore,

Resolved, That the President of the convention issue a certificate to each member thereof for the additional sum of one dollar for each day's attendance on the same, from the 3d day of November last, at which time fifty dollars in cash was paid to each member by the Territorial Treasurer.

And the question having been put on the said amendment,

It was decided in the negative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative, were

Messrs. Char'es E. Brown, Chamberlain, Horace Chase, Combs, Cooper, Coxe, Doty, Drake, Ellis, Fitzgerald, Fuller, Goodrich, Harkin, Hayes, Hesk, Hill, Holcomb, Inman, James, Janssen, Magone, Meeker, Randall, Sewall Smith, Wm. R. Smith, Toland, and Wilson —27.

Those who voted in the negative were,

Messrs. Atwood, Baker, Hiram Barber, Bell, Bevans, Bowen, Bowker, Boyd, Brace, Hiram Brown, Carter, Clark, Clothier, Crawford, Dennis, Dickinson, Dunning, Edgerton, Goodell, Graham, Green, Geo. B. Hall, George Hyer, Jenkins, Judd, Joseph Kinney, Manahan, Mills, Moore, Noggle, Parkinson, Parsons, Phelps, Pierce, Rankin, Rogan, Ryan, Seaver, John Y. Smith and Wakeley—40.

Horace Chase then moved to amend the amendment, by adding the same as the one offered previously by him, with the exception of striking out "one dollar" and inserting "fifty cents" in lieu thereof.

And the question having been put on said amendment,

It was decided in the affirmative.

And the ayes and noes having been called for and ordered,

Those who voted in the affirmative were,

Messrs. Atwood, Bell, Bowker, Charles E. Brown, Chamberlain, Horace Chase, Combs, Cooper, Coxe, Doty, Drake, Dunning, Ellis, Fitzgerald, Fuller, Goodrich, Granger, Harkin, Hayes, Hesk, Hicks, Hill, Holcomb, Heubschmann, George Hyer, Inman, James, Janssen, Judd, Magone, Manahan, O'Connor, Randall, Rogan, Sewall Smith, Wm. R. Smith, Toland, Topping and Wilson—39.

Those who voted in the negative, were

Messrs. Baker, Hiram Barber, Bennett, Bevans, Bowen, Boyd, Brace, H. Brown, Carter, Clark, Clothier, Crawford, Dennis, Dickinson, Edgerton, Elmore, Goodell, Graham, Green, G. B. Hall, Jenkins, J. Kinney, Lovell, Meeker, Mills, Moore, Noggle, Patch, Parkinson, Parsons,

Phelps, Pierce, Mr. President, Ryan, Seaver, John Y. Smith, Soper, and Wakeley—38.

Mr Drake then moved further to amend the amendment, by striking out "four dollars" in the pay to the assistant secretaries, and insert "three dollars and fifty cents" in lieu thereof.

Which was disagreed to.

Mr. Moore then moved to amend by adding. "and that the serjeant-at-arms, door-keepers, messengers and firemen be allowed the sum of two dollars and fifty cents per day for their services, from the third day of November until the day of adjournment inclusive."

Which was agreed to.

The question was then put on the amendment as amended,

And was decided in the affirmative.

The resolution as amended was then adopted.

Mr. Boyd offered the following resolution, which was adopted, to wit:

"Resolved, That the Rev. Stephen McHugh and the Rev. S. E. Miner, be allowed such sum as, together with what they have already received, will amount to one hundred dollars each, for their services as Chaplains to this convention, to be paid out of any monies in the treasury applicable to the payment of the expenses of this convention."

A. Hyatt Smith offered the following resolution, which was adopted, to wit:

"Resolved, That this convention do adjourn sine die on Wednesday, the 16th day of December instant, at 8 o'clock A. M.

On motion of Mr. Randall,

The convention adjourned.

Tuesday, December 15, 1846.

Prayer by the Rev. Mr. McGough.

The reading of the journal of yesterday was dispensed with.

Mr. Fenner introduced the following resolution, which was adopted, to wit:

"Resolved, That Benjamin Brown be allowed five dollars, for granting 150 certificates for the convention."

On motion of Mr. Elmore,

The convention adjourned until to-morrow at 9 o'clock A. M.

Wednesday, December 16, 1846.

The reading of the journal of yesterday was dispensed with.

Mr. Jenkins offered the following protest, which was read and ordered to be entered upon the journal of the convention, to wit:

"The undersigned, not having had an opportunity to record his vote against the passage of the resolution entitled "Resolution of Saturday, December 12, 1846, relative to raising the pay of members and officers," for the reason that the convention refused to order the vote on the passage of said resolution to be taken by ayes and noes, hereby protests against the passage of said resolution, and places his protest on the journal of the convention.

The reason for which he protests against the passage of said resolution is the following, to wit:

That the convention have no power to pass any resolution giving to the officers or members thereof, any greater pay than that allowed by law.

THOMAS JENKINS."

Mr. Elmore, from the committee on revision, reported the constitution as correctly enrolled.

Wm. R. Smith introduced the following resolution, which was adopted, to wit:

"Resolved, That the thanks of the convention be given to the Hon D. A. J. Upham, for his able, faithful, and impartial discharge of the arduous duties of President of the convention, during the session of the same."

Mr. Randall then moved that the convention adjourn sine die.

And the question having been put,

Mr. Magoon in the chair,

It was decided in the affirmative.

The President then rose and addressed the convention, as follows:

GENTLEMEN OF THE CONVENTION:

Our deliberations are finished, and it has become my duty, for the last time, to address you. We have performed a work of no ordinary labor and difficulty, and be it for good or evil, we have this satisfaction—it must receive the sanction of the sovereign people before it can become operative. The difficulties we have encountered have perhaps been greater than most of us in the outset anticipated, and yet, so far as we have been able to discover, they have not originated in most cases so much from any great difference of opinion as to fundamental principles, as in the manner and mode of carrying them out. That we have made a constitution that will not meet with serious opposition, is perhaps not to be expected. When we reflect upon the present situation of the Territory, settled as it has

been, by citizens of almost all the states of the Union, as well as with a large emigration from several of the foreign states, it is unreasonable to suppose that we could frame our fundamental law except in a spirit of compromise. We have this consolation, that no one objectionable feature in this csnstitution is considered objectionable in every section of the Territory. What is considered objectionable in one section, is a favorite article in another, and so of almost every feature of our work that has as yet met with any serious opposition. When our whole work is fairly laid before the people, and calmly and fairly investigated by them, and when, too, they come to reflect upon the care and facility with which the features individually objectionable to each, may be altered or amended at any time, when such amendments can receive the approval of a majority of the whole people: and also when they reflect that the same difficulties and diversity of opinions will in all probability exist in case another convention, composed of entirely new members, should be called at any early period; cannot we expect under such circumstances, that our constituents will look upon the subject with the same spirit of compromise, by which only, their representatives have been able to accomplish their work?

To you, gentlemen, on this occasion, it is my duty to say, as well from the vote which you have just ordered to be entered upon your journal, as from your kind indulgence and generous support on all occasions, through our protracted, and sometimes exciting deliberations, I am under the greatest obligations, and return you my most sincere thanks. When elected your presiding officer, I had had no experience or acquaintance for several years, of parliamentary law, and necessarily, at the early stages of our session, labored under many difficulties in deciding questions of order, without time for deliberation and examination. It has been my utmost endeavor on all occasions, to decide impartially and correctly, and although I may have often erred, it is no small consolation to feel that I have always enjoyed the confidence and good opinion of the convention. To preside over a large deliberative body, is always arduous and sometimes difficult; and it has often been said by the presiding officers in our national council that the good order and decorum of such bodies depends mainly upon the dignity and sense of propriety of the individual members, and I hazzard the opinion that the general propriety and dignity maintained in our deliberations, will advantageously compare with that of most legislative bodies of the same size.

During our session we have been called to mourn the loss of one of our most distinguished, useful and talented members, under circumstances calculated to awaken the deepest sympathy and feeling in every bosom. May we profit by this sad dispensation, and when we

leave this hall, may we forget everything unpleasant that has occurred between us as individuals; hold on to the good, and cherish in our momories all that will elevate, ennoble, and improve our common nature. We part—many of us never to meet this side of eternity.

In conclusion, permit me to wish you a safe return to your friends and families, and may the blessings of an Over-ruling Providence rest upon us all.

I have now only to perform the last duty assigned me. I pronounce this convention adjourned without day.

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